

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20886
Summary Calendar

DANIEL JOSEPH LUKEN,

Plaintiff-Appellant,

versus

DAVID STILES ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-95-CV-1287
- - - - -

February 22, 1996

Before JOHNSON, WIENER, and STEWART, Circuit Judges.

PER CURIAM:*

Daniel Joseph Luken argues that the district court abused its discretion in dismissing as frivolous his complaint against David Stiles that Stiles filed an appellate brief on Luken's behalf although he had not been appointed to represent Luken.

We have reviewed the record, the opinion of the district court, and the brief, and find that the dismissal of the complaint as frivolous should be affirmed for reasons other than those stated by the district court. See Heck v. Humphrey, 114 S.

* Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Ct. 2364, 2371-73 (1994); Boyd v. Bigger, 31 F.3d 279, 282-84
(5th Cir. 1994).

AFFIRMED.