

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20915
Summary Calendar

DONALD FREDERICK COLEMAN,

Plaintiff-Appellant,

versus

SAM NUCHIA, Chief; JOHN TREVINO,

Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Texas
USDC No. CA-H-95-1523

April 10, 1996
Before JOLLY, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

Donald Frederick Coleman appeals the dismissal of his civil rights complaint as frivolous. Coleman argues that the statute of limitations did not run on his claims of denial of access to the courts and Fourth Amendment violations. We have carefully reviewed the record and the arguments. For essentially the same reasons as explained in the district court's order of dismissal, see Coleman v. Nuchia, No. CA-H-95-1523 (S.D. Tex. Oct. 6, 1995), we conclude

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

that the district court did not abuse its discretion in dismissing the denial-of-access-to-the courts claim.

To the extent that Coleman's Fourth Amendment claim is unrelated to his state court conviction, the district court did not err by relying on the statute of limitations to dismiss the claim as frivolous. To the extent that Coleman's Fourth Amendment claim, if successful, would invalidate his state court conviction or sentence, the civil rights claim will not accrue until Coleman has demonstrated that his conviction or sentence has been reversed, expunged, declared invalid, or otherwise called into question by a court of law. See Heck v. Humphrey, 114 S.Ct. 2364, 2372 (1994). The record does not reveal that Coleman has made this showing. Thus, his Fourth Amendment claim has no arguable basis in law, and it was properly dismissed as frivolous.

A F F I R M E D.