

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-31155  
Conference Calendar

---

VINCENT SIMMONS,

Plaintiff-Appellant,

versus

J. EDDIE KNOLL, individually  
and in his official capacity  
as District Attorney, Avoyelles  
Parish, ET AL.,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 95-CV-1318  
- - - - -

February 29, 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Vincent Simmons argues that the district court abused its discretion in dismissing his complaint as frivolous based on the prescription of his claims.

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 the reasons stated by the district court.

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Simmons' claims against the prosecutors and witnesses Sharon Sanders, Karen Sanders, and Kenneth LaBorde are barred by absolute immunity. See Graves v. Hampton, 1 F.3d 315, 317-18. Simmons' claims against the Sheriff and deputy sheriffs, his counsel, and any claims that he asserted against Kenneth LaBorde and Sharon and Karen Sanders, other than in their capacity as witnesses, were subject to dismissal pursuant to Heck v. Humphrey, 114 S. Ct. 2364, 2373 (1994).

Simmons' motion for leave to supplement the record is DENIED.

AFFIRMED.