

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50514

Summary Calendar

TERRENCE R. SPELLMON,

Plaintiff-Appellant,

v.

DAN MORALES, Attorney General, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(A-94-CV-464)

April 9, 1996

Before KING, GARWOOD, and DENNIS, Circuit Judges.

PER CURIAM:*

Terrence Spellmon appeals from the dismissal of his suit, without prejudice, for failure to exhaust state-court remedies. Because Spellmon fails to state a constitutional violation, he has not stated a claim for relief under either 28 U.S.C. § 2254 or 42 U.S.C. § 1983. see Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995), cert. denied, 116 S. Ct. 736 (1996). The district court's judgment is AFFIRMED.

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.