

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20133
Summary Calendar

CHARLES EDWARD ROBINSON,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS
DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

Respondent,

PETER ADAMS and INSURANCE COMPANY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-95-3784
- - - - -

July 31, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Charles Edward Robinson, TDCJ inmate #678517, appeals the district court's final judgment, pursuant to Fed. R. Civ. P. 54(b), of Robinson's motion for damages, filed under the district court docket number assigned to Robinson's petition for federal

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

habeas relief. Robinson's request for a certificate of probable cause is denied as unnecessary.

Robinson argues that the district court erred by failing to hold in abeyance, until the determination of his habeas petition, his purported civil rights suit against Adams. We have carefully reviewed the record and the appellate arguments. For essentially the same reasons as explained in the order of dismissal, see Robinson v. Adams, No. H-95-3784 (S.D. Tex. Jan. 16, 1996), we find no error by the court's dismissal for want of federal jurisdiction.

This appeal is without arguable merit and thus frivolous. See 5th Cir. R. 42.2.

DISMISSED.