

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30264
Summary Calendar

ALCY JOSEPH, JR.,

Plaintiff-Appellant,

versus

RAQUEL LEWIS, Lt.,
Correctional Official at
St. Charles Parish, RICHARD
HINES, Cpl., Deputy Correctional
Officer - St. Charles Parish;
CHARLES B. SMOTHERS, Warden, St.
Charles Parish Correctional Center

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CV-478
- - - - -

July 30, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Alcy Joseph, Jr., # 95760, argues that the district court erred in dismissing as frivolous his claim that the defendant prison officials deprived him of his constitutional right to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

exhaust his prison grievance remedies, which precluded him from filing criminal charges against another correctional officer.

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 adopted by the district court. See Bickford v. Int'l Speedway Corp., 654 F.2d 1028, 1031 (5th Cir. 1981).

Insofar as Joseph alleges that he was denied procedural due process in connection with the procedures employed in addressing his grievances, his claim is barred by Sandin v. Conner, 115 S. Ct. 2293, 2302 n.11 (1995).

Joseph's allegations that the defendants interfered with his right to file criminal charges against a correctional officer fail to support an arguable constitutional claim because he has not demonstrated that he has standing to assert an interest in the prosecution or nonprosecution of the officer. See Linda R.S. v. Richard D. and Texas, 410 U.S. 614, 617-19 (1973).

The district court did not abuse its discretion in dismissing the complaint as frivolous. See Denton v. Hernandez, 504 U.S. 25, 33 (1992).

AFFIRMED.