

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40649
Conference Calendar

WILLIAM EARL DOYLE,

Plaintiff-Appellant,

versus

REINFORD KANE, Lt.; FNU MILLER;
J. DETRICE; ED MCELUEN,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:96-CV-136
- - - - -

October 24, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

William Earl Doyle, Texas prisoner #556492, appeals from the district court's dismissal of his civil rights action as frivolous. The district court did not abuse its discretion in dismissing the complaint on statute of limitations grounds. See Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Doyle argues for the first time on appeal that he wrote the wrong date in his statement of facts as to when the incident occurred and that, as a result, the limitations period had not yet run when he filed his complaint. Doyle has shown no plain error with respect to this belated allegation. Robertson v. Plano City of Tex., 70 F.3d 21, 23 (5th Cir. 1995), cert. denied, 115 S. Ct. 1266 (1995).

AFFIRMED.