

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60120  
Summary Calendar

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WILLIE HENRY JONES,

Plaintiff-Appellant,

versus

CITY OF BILOXI;  
MISSISSIPPI BUREAU OF  
NARCOTICS; SAMUEL W. OWENS;  
MISSISSIPPI DEP'T OF PUBLIC  
SAFETY; CHARLES MICHAEL TYSON;  
JAY THOMAS EUBANKS; RICHARD  
O'BANNON; ANDREW SCHERER,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:95-CV-13-GR  
- - - - -

May 27, 1996

Before HIGGINBOTHAM, DUHE' and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Willie Henry Jones argues that the district court abused its discretion in dismissing his complaint as frivolous because the defendants seized and forfeited his property without providing him notice and a hearing and because his state court challenge to

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the forfeiture proceeding was dismissed based on a racially discriminatory application of the state statute of limitations.

This court does not have jurisdiction to review the state court's dismissal of Jones' challenge to the state forfeiture proceeding based on prescription. Liedtke v. State Bar of Texas, 18 F.3d 315, 317 (5th Cir.), cert. denied, 115 S. Ct. 271 (1994).

Jones' allegations that the statute of limitations was applied in a racially discriminatory manner in his state court suit are factually frivolous and cannot support an arguable constitutional claim. Denton v. Hernandez, 504 U.S. 25, 31-32 (1992).

AFFIRMED.