

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30652

DAVID LEMOINE,

Plaintiff-Appellant,

versus

RICHARD STALDER, Secretary, Louisiana
Department of Public Safety & Corrections;
BURL CAIN, Warden; JEWEL WILLIAMS;
HARRY LEE, Sheriff, Jefferson Parish; JOHN
DOE, Deputy 1-2; CHARLES C. FOTI, JR.,
Sheriff, Orleans Parish,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana

(95-CV-728-B-M2)

May 7, 1998

Before POLITZ, Chief Judge, REAVLEY and JONES, Circuit Judges.

PER CURIAM:*

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.

Because we agree with the district court that plaintiff's claim is not cognizable under 42 U.S.C. § 1983, the dismissal was correct. This decision and judgment decides no issue before the state court and is without prejudice to plaintiff's claims there.

AFFIRMED.

R. 47.5.4.