

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30748  
Summary Calendar

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CURLEY CHAVALIER,

Plaintiff-Appellant,

versus

CRIMINAL JUSTICE FACILITY OF IBERIA PARISH;  
NATHANIEL MITCHELL; DAN DAVID, WARDEN; SIDNEY  
HEBERT, SHERIFF; ERROL ANTOINE ROMO ROMERO,  
SHERIFF; ROBERT GREEN; AL MERITT,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 96-CV-1930  
- - - - -  
August 25, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:\*

Curley Chavalier appeals the dismissal of his civil rights action under 42 U.S.C. § 1983 for alleged torture and abuse which occurred while he was incarcerated at Iberia Parish Criminal Justice Facility. Chavalier argues that the district court erred in granting the defendants' motion for summary judgment and dismissing his action as time-barred. He contends that the doctrine of *contra non valentem agere nulla currit praescriptio*

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

operates to suspend limitations and make this action timely. He also argues that the district court erred in excluding expert testimony which he submitted in opposition to summary judgment.

We have reviewed the record and the briefs of the parties and affirm substantially for the reasons given by the district court. See Chavalier v. Criminal Justice Facility of Iberia Parish, 96-CV-1930 (W.D. La. June 18, 1997). Chavalier has failed to meet his burden of establishing that there is a genuine issue of material fact, or that the district court erred in its evidentiary or legal holdings. FED. R. CIV. P. 56(e); Melton v. Teachers Ins. & Annuity Ass'n of America, 114 F.3d 557, 559 (5th Cir. 1997).

AFFIRMED.