

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40943
Conference Calendar

WILBERT C. JOHNSON,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:97-CV-81
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Wilbert C. Johnson, Texas inmate #613845, appeals from the judgment dismissing his civil rights complaint as frivolous. We have carefully reviewed the record and the appellate arguments. The essence of Johnson's complaint arises from the revocation of probation, the issuance of parole, and the revocation of that parole. Judgment in Johnson's favor necessarily would call into question the validity of those proceedings, and Johnson has not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

demonstrated that the rulings from those proceedings have been otherwise overturned. Therefore, his cause of action has yet to arise. See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994); Jackson v. Vannoy, 49 F.3d 175, 177 (5th Cir. 1995). The district court did not abuse its discretion in dismissing the complaint as frivolous. See McCormick v. Stalder, 105 F.3d 1059, 1061 (5th Cir. 1997).

AFFIRMED.