

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50217
Conference Calendar

JOE SAM JONES,

Plaintiff-Appellant,

versus

JACK KYLE, CHAIRMAN, TEXAS BOARD
OF PARDONS AND PAROLE,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CV-500
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Joe Sam Jones, prisoner # 514721, appeals the dismissal of his civil rights action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Jones' motion to file reply brief out of time is GRANTED. Because Jones' case contained no arguable basis in law or fact, it is frivolous, and the district court did not err in dismissing it. Allison v. Kyle, 66 F.2d 71, 73 (5th Cir. 1995). See Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1997). Jones' motion for appointment of counsel to conduct oral argument is DENIED.

Jones' appeal is without arguable merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. See 5th Cir. R. 42.2.

MOTION TO FILE OUT OF TIME REPLY BRIEF GRANTED; MOTION FOR APPOINTMENT OF COUNSEL DENIED; APPEAL DISMISSED.