

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-51099
Summary Calendar

LARRY D. ROBINSON,

Plaintiff-Counter Defendant-Appellant,

versus

STATE OF TEXAS,

Defendant-Appellee,

CITY OF MUSTANG RIDGE; SPECIAL AUTO,

Defendants-Counter Plaintiffs-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-452
- - - - -

December 30, 1998

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Larry Don Robinson appeals from the dismissal of his civil action for failure to state a claim. Robinson moves for leave to file an out-of-time reply brief; Robinson's motion is DENIED.

Robinson contends that Texas's driver's license and automobile insurance laws violate his constitutionally protected right to travel; that those laws violate other constitutional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

rights; that his claims against the State of Texas and Governor George W. Bush were not barred by the Eleventh Amendment; that the City of Mustang Ridge's enforcement of Texas's driver's license, liability insurance, and taillight laws subjected Mustang Ridge to municipal liability; that his warrantless arrest was improper; and that Special Automotive was a state actor.

Regarding Robinson's claims against Texas and Governor Bush, we have reviewed the record and the briefs of the parties and we find Robinson's contentions frivolous essentially for the reasons relied upon by the district court. *Robinson v. Texas*, No. A-97-CA-452 (W.D. Tex. Nov. 7, 1997). Pursuant to *Heck v. Humphrey*, 512 U.S. 477, 486 (1994), Robinson has no cause of action against Mustang Ridge or Special Automotive until he obtains the invalidation of his convictions.

APPEAL DISMISSED. 5TH CIR. R. 42.2.