

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20558  
Summary Calendar

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ANTONIO C. WOODS,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CV-779  
- - - - -

April 16, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:\*

Antonio C. Woods appeals the district court's dismissal of his action as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). Although Woods styled his action as a petition for writ of habeas corpus, 28 U.S.C. § 2254, he also sought relief pursuant to 42 U.S.C. § 1983, and the case was docketed as a civil rights case.

In his complaint, Woods alleges a wide range of injuries stemming from his alleged subjection to an electronic monitoring system which operates through satellites and telemetry to track

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\* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

him on a 24-hour a day basis. Woods argues that this is a type of community detention that is punishing him for an unspecified conviction. Woods contends that his conviction was unconstitutionally obtained and that his sentence to the tracking program is unjustified. He also asserts that the tracking program is part of a government conspiracy and that the people operating it have interfered with his financial transactions and mail.

To the extent that Woods' complaint may be read to state a claim for habeas corpus relief and to the extent that the district court treated it as such, the district court lacked jurisdiction to entertain such a claim due to the absence of any evidence that Woods had been convicted of a crime or was in custody. See Parker v. Fort Worth Police Dep't, 980 F.2d 1023 (5th Cir. 1993). To the extent that Woods' complaint may be read to state a claim under Section 1983, the district court did not abuse its discretion in dismissing it as frivolous. See § 1915(e)(2)(B)(i); Denton v. Hernandez, 504 U.S. 25, 31-33 (1992).

Therefore, the judgment of the district court is MODIFIED to reflect that the court lacked jurisdiction to entertain any claims for habeas corpus relief and to the extent that any such claims were stated the dismissal is without prejudice, and the district court's dismissal of Woods' remaining claims as frivolous is AFFIRMED.

AFFIRMED; MOTION TO FILE A SUPPLEMENTAL BRIEF GRANTED.