

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40051
Summary Calendar

DAVID JUSTICE,

Plaintiff-Appellant,

versus

BRUCE ZELLER; KATHRYN BELL, Captain;
EVARISTO GARZA, Gang Intelligence Officer,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:97-CV-132
- - - - -

September 8, 1998

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

David Justice, Texas state prisoner #688505, appeals from the district court's dismissal of his civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e). He argues that the district court abused its discretion by dismissing his failure-to-protect claim as frivolous. We have reviewed the record and find no reversible error. Accordingly, the judgment of the district court is AFFIRMED. Justice's motions for the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No.

-2-

appointment of appellate counsel and for injunctive relief are
DENIED.