

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20346
Summary Calendar

CURTIS BENNETT,

Plaintiff-Appellant,

versus

CHARLES JAMES,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-2648
- - - - -
January 21, 2000

Before KING, Chief Judge, and HIGGINBOTHAM and STEWART, Circuit
Judges.

PER CURIAM:*

Curtis Bennett appeals the district court's dismissal of his
42 U.S.C. § 1983 complaint for failure to state a claim. Bennett
alleges that he was sexually assaulted by a corrections officer
in violation of his Eighth Amendment rights. He asserts that he
does not understand how to cite legal authority, and none is
cited in his brief. Bennett also requests the appointment of
counsel on appeal.

We review *de novo* a district court's dismissal of a civil
rights complaint under 28 U.S.C. § 1915(e)(2)(B)(ii). See Harper

* 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this opinion should not be published and is not precedent except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.

v. Showers, 174 F.3d 716, 718 n.3 (5th Cir. 1999). The district court did not err in dismissing Bennett's complaint for failure to state a claim because he is seeking monetary damages, and he did not allege any physical injury as a result of the incident. See 42 U.S.C. § 1997e(e); Harper, 174 F.3d at 719; Siglar v. Hightower, 112 F.3d 191, 193-94 (5th Cir. 1997). Therefore, the judgment of the district court is AFFIRMED.

Bennett's motion for the appointment of counsel is DENIED as moot.

AFFIRMED; MOTION DENIED.