

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40322  
Summary Calendar

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RAYMOND PETER GODAIRE,

Plaintiff-Appellant,

versus

ADJETEY LOMO,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
(G-96-CV-475)

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December 15, 1999

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:\*

Raymond Peter Godaire, (TDCJ # 613522), appeals the district court's dismissal, as frivolous, of his civil rights complaint. He contends that the court erred by dismissing his complaint on the basis that it would *not* ultimately be successful.

We review the dismissal of an action as frivolous for abuse of discretion. **Booker v. Koonce**, 2 F.3d 114, 115 (5th Cir. 1993). It is inappropriate to dismiss a claim because its realistic chance of ultimate success is slight; on the other hand, dismissal because the claim has no realistic chance of success is proper. **Id.** at 114, 115-16 & n.9. Although he maintains that the record was *not*

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

sufficiently developed to permit dismissing the complaint as frivolous, Godaire was allowed to develop his claims by providing specific responses to the magistrate judge's questionnaire. See **Eason v. Thaler**, 14 F.3d 8, 9-10 (5th Cir. 1994).

For his claim to be successful, Godaire was required to establish that Dr. Lomo was either personally involved in the constitutional deprivation or that Dr. Lomo's acts were causally connected to the deprivation alleged. See **Woods v. Edwards**, 51 F.3d 577, 583 (5th Cir. 1995). Godaire failed to make such a showing. Accordingly, the district court did *not* abuse its discretion.

**AFFIRMED**