

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-60701
Conference Calendar

EDWARD DANIEL,

Plaintiff-Appellant,

versus

UNKNOWN BRADLEY, Warden; UNKNOWN SCOTT, Counselor;
WARDEN HUGHES, Assistant Warden; UNKNOWN BUIE, Officer,

Defendants-Appellees.

EDWARD DANIEL,

Plaintiff-Appellant,

versus

JODY BRADLEY; KNEZIE HUGHES, also known as Unknown Hughes;
O. BUIE, also known as Unknown Buie; LEON PERRY; WILLIE
O. SCOTT, Counselor,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:99-CV-41-Brs
No. 5:99-CV-4-Brs

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Edward Daniel ("Daniel"), Mississippi state prisoner

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

42550, appeals the district court's dismissal of his 42 U.S.C. § 1983 civil rights complaint. Daniel challenges the credibility determinations of the magistrate judge, and he argues that the district court dismissed his complaint because he is incarcerated.

This court does not re-evaluate the credibility of witnesses. See Williams v. Fab-Con, Inc., 990 F.2d 228, 230 (5th Cir. 1993); see also Martin v. Thomas, 973 F.2d 449, 453 n.3 (5th Cir. 1992). Daniel's argument that the district court dismissed his complaint because he is incarcerated lacks merit because the district court did not dismiss Daniel's complaint because of his incarceration.

AFFIRMED.