

United States Court of Appeals
for the Fifth Circuit

No. 22-60653
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 8, 2023

Lyle W. Cayce
Clerk

SURF MOORE,

Plaintiff—Appellant,

versus

STANLEY MOORE,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:22-CV-628

Before DAVIS, SMITH, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Surf Moore appeals the district court's judgment dismissing his action pursuant to 28 U.S.C. § 1915(e)(2)(B). This statute authorizes dismissal of an action brought by a plaintiff proceeding *in forma pauperis* when that action is frivolous or malicious, fails to state a claim on which relief may be granted,

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

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or seeks monetary relief against a defendant who is immune from such relief. § 1915(e)(2)(B)(i)-(iii). We AFFIRM.

Plaintiff, Surf Moore, a resident of Jackson, Mississippi, sued Defendant, Stanley Moore, a resident of Los Angeles, California, alleging that Plaintiff's mother died in March 2018 leaving a truck. Plaintiff contends that he is entitled to inherit the truck and that Defendant refuses to sign an affidavit necessary for changing registration to the truck. Plaintiff seeks a temporary restraining order requiring Defendant to sign the affidavit.

Plaintiff alleges, in conclusory fashion, that Defendant has violated Plaintiff's constitutional rights under the Thirteenth Amendment. However, he alleges no facts to support that claim or any other claim. For this reason and those stated in the district court's November 29, 2022, order, we AFFIRM the district court's dismissal without prejudice for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii).

AFFIRMED.