

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-2681
Conference Calendar

TIMOTHY J. BYRD,

Plaintiff-Appellant,

versus

C.I.G.N.A. and
CONNECTICUT LIFE GENERAL
INSURANCE COMPANY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-92-1936
- - - - -
March 18, 1993

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

An IFP complaint may be dismissed as frivolous if it lacks an arguable basis in law or fact. Denton v. Hernandez, --- U.S. ---, 112 S. Ct. 1728, 1733, 118 L. Ed. 2d 340 (1992). Timothy J. Byrd's complaint is frivolous for two reasons. First, the defendant is not subject to liability under 42 U.S.C. § 1983. Hobbs v. Hawkins, 968 F.2d 471, 479-80 (5th Cir. 1992). Second,

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

in both Texas and Georgia, the action is time-barred. Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989); Lawson v. Glover, 957 F.2d 801, 803 (11th Cir. 1987).

Byrd has made abusive and irrational allegations of bias and corruption against Judge Harmon. The filing of abusive documents in this Court in the future will result in their being stricken. Theriault v. Silber, 579 F.2d 302, 303-04 (5th Cir. 1978), cert. denied, 440 U.S. 917 (1979).

The judgment of district court is AFFIRMED.