

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7590
Conference Calendar

J. D. GAINES, a/k/a
Jerry D. Gaines,

Plaintiff-Appellant,

versus

PAUL BARRETT, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA-5:93-28(Br)(C)
- - - - -

(May 17, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Mississippi prisoner J.D. Gaines's civil rights suit complaining of defects in a criminal conviction was properly dismissed without prejudice to his refileing the suit after he exhausts state and federal habeas remedies. Mills v. Criminal Dist. Court No. 3, 837 F.2d 677, 680 (5th Cir. 1988). The appeal is frivolous and is dismissed as such. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

APPEAL DISMISSED.

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.