

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40494
Summary Calendar

KENNETH H. JUST,

Plaintiff-Appellant,

versus

VALLEY TELEPHONE COOPERATIVE, INC.;
RAMIRO ALANIZ; FRED HARRIS; J.R. MAYO;
CHARLES FRED HILLJE; DARELL LASSIG;
ROBERT LEO; JAMES MANN; MARGIE POLLOCK;
OTTO WAGNER; GEORGE BENNACK, Individually and
in His Official Capacity as Associate
General Manager For Valley Telephone Cooperative,
Inc.; DAVID HOLLSCHER, In their Official Capacity
as Board of Directors for
Valley Telephone Cooperative, Inc.,

Defendants-Appellees.

Appeal from the United States District Court for the
Southern District of Texas

September 19, 1996

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Appellant Kenneth H. Just appeals only from the summary judgment of the district court which dismissed his civil rights claims brought under Title 42 U.S.C. § 1983. Although Valley

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Telephone Cooperative, Inc. is subject to some state regulation, the private act complained of (termination without notice) was not shown to be caused or aided by governmental involvement nor was any fact issue as to governmental involvement raised by any summary judgment proof. Because no nexus was shown between the state and the complained of action, the district court correctly concluded that there was no action under color of state law that would support an action under 42 U.S.C. § 1983. See Jackson v. Metropolitan Edison Company, 419 U.S. 345, 95 S.Ct. 449 (1974); Just v. Telephone Cooperative Inc. et al., No. B-94-296 (S.D.Tex. April 9, 1996).

AFFIRMED.