

April 17, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-60165
Conference Calendar

WILLIE NORRIS BARKER,

Plaintiff-Appellant,

versus

STATE OF MISSISSIPPI,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 1:06-CV-10

Before HIGGINBOTHAM, BENAVIDES, and PRADO, Circuit Judges.

PER CURIAM:*

Former state prisoner Willie Norris Barker appeals the dismissal with prejudice of his pro se, in forma pauperis "Independent Action" as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). Barker's reliance on FED. R. CIV. P. 60(b) to challenge a prior conviction is misplaced. See Hess v. Cockrell, [281 F.3d 212, 216-17](#) (5th Cir. 2002); United States v. O'Keefe, [169 F.3d 281, 289-90](#) (5th Cir. 1999). Furthermore, Barker did not raise a mental illness claim in the instant proceeding. Barker's appeal is frivolous. See 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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APPEAL DISMISSED.