

October 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20415
Summary Calendar

THERON BELTON,

Plaintiff-Appellant,

versus

CLEVELAND TURNER, also known as Turner, Escort Officer;
J.D. BUTCHER; JAMES ZELLER, Warden; LARRY DOYLE; WILKERSON,
Property Officer; BOYD, Property Officer; COLEMAN, Grievance
Officer; STOKER, Grievance Officer,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CV-4325

Before SMITH, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Theron Belton, Texas prisoner # 845198, appeals from a judgment rendered in favor of the defendants on his civil rights claim. We affirm.

To prevail on a claim that his right of access to the courts has been violated, a prisoner must demonstrate prejudice by showing that his ability to pursue a "nonfrivolous," "arguable"

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

legal claim was hindered by the defendants' actions. See Christopher v. Harbury, 536 U.S. 403, 415 (2002) (internal quotations omitted); Lewis v. Casey, 518 U.S. 343, 351 (1996). Belton has not demonstrated that the claims he would have raised in his petition for discretionary review were arguable or nonfrivolous; he therefore cannot prove a constitutional violation. Because he cannot prove a constitutional violation, judgment was appropriately awarded in favor of the defendants, and it was unnecessary for the district court to reach the exhaustion issue.

AFFIRMED.