

December 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50918
Summary Calendar

JOHN M RICKS

Plaintiff - Appellant

v

LARRY D HOLDER, MARVIN L NICKELS, FLOYD D WILLIAMS,
DONLEY W BROTHERS, MICHAEL A LANSING, STEVEN ANDRASCHKO
GRAND, Lieutenant Colonel, VIRGINIA DOLINSKI, NED ISTAS,
THERESA GRENIER, T RAUSCH, C DANIELS, JOHN AND JANE,
Persons presently unknown to Plaintiff who were members
of the February 19, 1997 Assignment Board, or who acted in
concert therewith, Sued in their individual capacities only

Defendants - Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-02-CV-307

Before KING, Chief Judge, and WIENER and DeMOSS, Circuit Judges.

PER CURIAM:*

John M. Ricks, a former military prisoner, challenges the
district court's dismissal as frivolous of his civil action
raised under Bivens v. Six Unknown Named Agents of Fed. Bureau of
Narcotics, 403 U.S. 388 (1971). He contends that the district

* 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that this opinion should not be published and is not precedent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.

court wrongly concluded that his challenge to the extension of his prison stay by 59 days violated Heck v. Humphrey, 512 U.S. 477 (1994) and that the court erred in its alternative ruling that the complaint was filed outside the two-year limitations period. He has not established that the district court abused its discretion in dismissing his suit as frivolous. See Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997).

Ricks also contends that the district court improperly imposed against him a \$150 filing fee pursuant to 28 U.S.C. § 1915(f), despite the fact that Ricks was no longer a prisoner. He has not established that the district court abused its discretion in imposing costs. See Moore v. McDonald, 30 F.3d 616, 621 (5th Cir. 1994). The judgment of the district court is AFFIRMED.