

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 92-8705
Summary Calendar

DONNY JOEL HARVEY,

Plaintiff-Appellant,

VERSUS

WALTER S. SMITH, Judge,
Etc., ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
MO 92 CA 71

June 16, 1993

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

In this, which is at least his nineteenth civil filing, Texas state prisoner, Donny Joel Harvey, brought this action pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), against United States District Judge Walter Smith and official court reporter Morris W. Bowen, claiming that they falsified the transcript of the proceedings before Judge Smith which resulted in Appellant's conviction by a jury for possession

¹ 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

of a firearm by a convicted felon. The district court, in a lengthy and detailed opinion, dismissed this pro se proceeding as frivolous pursuant to 28 U.S.C. § 1915. The district court found that Judge Smith was protected from suit by judicial immunity, that the lawsuit was barred by the applicable Texas statute of limitations, and that Appellant had failed to make any specific allegations to support his claim that the defendants conspired to alter the hearing transcript. We find no error and AFFIRM.