

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1806
Conference Calendar

GEORGE ARTIS LOYD,

Plaintiff-Appellant,

versus

LILLIAN LOUIS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:93-CV-1532-R
- - - - -
(May 18, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The petition which George A. Loyd presented to the Dallas County District Court sought a form of relief that is not available under Texas law. Therefore, Loyd's claim that he has been denied access to the courts is legally frivolous because he cannot demonstrate that he has been prejudiced by the Clerk of Court's refusal to file the petition. Eason v. Thaler, 14 F.3d 8, 10 (5th Cir. 1994); Henthorn v. Swinson, 955 F.2d 351, 354 (5th Cir.), cert. denied, 112 S.Ct. 2974 (1992).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

As Loyd's claim has no arguable legal basis, the district court did not abuse its discretion by dismissing the petition pursuant to § 1915(d) without providing Loyd an opportunity to amend. Graves v. Hampton, 1 F.3d 315, 318 n.12, 319 (5th Cir. 1993).

Loyd's appellate brief does not provide any argument concerning the sanction imposed by the district court. Accordingly, this issue is waived. Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987); see Fed. R. App. P. 28(a)(5).

AFFIRMED.