

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10106
Conference Calendar

MARGARITO CAMACHO,

Plaintiff-Appellant,

versus

LUBBOCK COUNTY, TEXAS, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:93-CV-321-C
- - - - -

(May 17, 1994)

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

PER CURIAM:*

Margarito Camacho appeals the dismissal of his civil rights complaint filed under 42 U.S.C. § 1983, which the district court held was barred by the statute of limitations. The statute of limitations is ordinarily tolled during the pendency of a habeas proceeding. Rodriguez v. Holmes, 963 F.2d 799, 804-05 (5th Cir. 1992). However, it is clear from the record that Camacho's § 1983 claims prescribed prior to the institution of his habeas proceedings. The time limitations on § 1983 actions are borrowed

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

from the state personal injury statute of limitation, Owens v. Okure, 488 U.S. 235, 239, 109 S.Ct. 573, 102 L.Ed.2d 594 (1989), which in Texas is two years. Tex. Civ. Prac. & Rem. Code Ann. § 16.003(a) (West 1986); Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989).

AFFIRMED.