

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20673
Summary Calendar

CARL B. ADAMS,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-858
- - - - -

June 16, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Carl B. Adams appeals the district court's order dismissing his complaint, brought under the Federal Tort Claims Act (FTCA) and 42 U.S.C. § 1985, alleging a conspiracy to deprive him of a property interest in education benefits without due process. Assuming arguendo that Adams' complaint is not time-barred and that it is not precluded by the doctrine of res judicata, there is no relief for Adams under the FTCA or § 1985. His "constitutional

¹ Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

claim does not arise under the Act and is barred by sovereign immunity." McAfee v. 5th Circuit Judges, 884 F.2d 221, 223 (5th Cir. 1989); see 28 U.S.C. § 2680(h). Adams does not assert that the United States has waived its sovereign immunity. See Williamson v. United States Dept. of Agriculture, 815 F.2d 368, 373-74, 376-78 (5th Cir. 1987).

Adams' appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. His motion to make corrections in the reply brief, motion for leave to file a letter containing supplemental authorities, and petition for writ of prohibition are DENIED.