

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10816
Conference Calendar

MARCUS DWAYNE MAYBERRY,

Plaintiff-Appellant,

versus

JAIME QUINTANILLA; JIMMY ALLEN;
WINNIE ISENBURG,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:97-CV-127
- - - - -

February 10, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Marcus Dwayne Mayberry, Texas prisoner #605575, appeals from the district court's dismissal of his 42 U.S.C. § 1983 complaint. Mayberry argues that he was denied access to the courts as a result of Allen's constant verbal harassment, Allen's erroneous advice about where to file his complaint, and Isenburg's refusal to photocopy certain documents for free or on credit.

A prisoner must show an actual injury to prevail on an access-to-the-courts claim. Lewis v. Casey, 116 S. Ct. 2174, 2179-80 (1996). Because Mayberry has not alleged that he has

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

suffered legal prejudice, he has not demonstrated a constitutional violation. The judgment of the district court dismissing the complaint as frivolous is not error. The appeal is also frivolous, and it is DISMISSED. See 5th Cir. R. 42.2.

APPEAL DISMISSED.