

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30225
Summary Calendar

JOHN LOUIS ELIE,

Plaintiff-Appellant,

versus

CAROLYN RYLAND, Clerk of Court,
9th JDC Rapides Parish,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 95-CV-1132
- - - - -

September 17, 1997

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:¹

John Louis Elie, Louisiana prisoner # 71390, has appealed the district court's grant of summary judgment to Carolyn Ryland, Clerk of the Ninth Judicial District Court of Rapides Parish, Louisiana. Elie argues that Ryland deprived him of constitutional rights by mishandling his motion for expungement of arrests and prior convictions. We find no error in the analysis adopted by the

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

district court. See Elie v. Ryland, No. 95-1132 (W.D. La. Feb. 3, 1997).

Elie's motion for attorney's fees is DENIED because he is not the prevailing party and he has proceeded pro se on appeal. See 42 U.S.C. § 1988(b); Cofield v. City of Atlanta, 648 F.2d 986, 987-88 (5th Cir. Unit B June 1981).

JUDGMENT AFFIRMED; MOTION DENIED.