

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-31286  
Summary Calendar

---

JAMES R. TOWNLEY,

Plaintiff-Appellant,

versus

STEVE RADER; CYNTHIA HEBERT; RICHARD STALDER; LOUISIANA DEPARTMENT  
OF PUBLIC SAFETY AND CORRECTIONS,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 94-CV-2021

---

September 30, 1998

Before HIGGINBOTHAM, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:\*

In his civil rights action, James R. Townley (#106693) alleged that defendant Cynthia Hebert had erroneously classified him as having three felony convictions, a determination which rendered him ineligible for parole. The Louisiana Supreme Court has held to the contrary. *See Townley v. Department of Pub. Safety and Corrections*, 681 So. 2d 951, 952-53 (La. 1996). Because Townley's civil rights action is factually frivolous, the district court's order of dismissal is AFFIRMED. *See* 28 U.S.C. § 1915(e)(2)(B)(i).

AFFIRMED.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

