

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41212  
Summary Calendar

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BOBBY PRIOUR,

Plaintiff-Appellant,

versus

PATRICK D. DICKENTS, Lieutenant; GARY HERRING,  
Sergeant; MICHAEL A. ROESLER, Captain,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:96-CV-444  
- - - - -

May 21, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:<sup>1</sup>

Bobby Priour, Texas prisoner # 629374, argues that the district court abused its discretion in dismissing his complaint based on his failure to exhaust administrative remedies and his failure to state a claim.

We have reviewed the record and brief, and affirm the dismissal of the complaint based on Priour's failure to state a claim. Because Priour has failed to show that the prison

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

disciplinary decision against him has been invalidated or set aside, he has failed to state an actionable § 1983 claim. See Heck v. Humphrey, 512 U.S. 477, 486 (1994); Clarke v. Stalder, 121 F.3d 222, 226 (5th Cir. 1997).

AFFIRMED.