

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40786  
Summary Calendar

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ALEJANDRO RODRIGUEZ RODRIGUEZ,

Plaintiff-Appellant,

versus

K. BITTENBENDER, Lieutenant;  
PERCY H. PITZER, Warden,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:98-CV-1661  
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January 20, 1999

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

PER CURIAM:\*

Alexandro Rodriguez Rodriguez, federal inmate #06430-000, appeals the dismissal without prejudice of his civil rights complaint. We have carefully reviewed the arguments and the appellate record. Rodriguez failed to demonstrate that he had exhausted his administrative remedies at the time he filed his complaint, and his complaint fails to allege the violation of a constitutional right. We AFFIRM the district court's dismissal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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of the complaint as frivolous and for failure to state a claim.

See 28 U.S.C. § 1997e(c).