

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-30504  
Conference Calendar

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DAVID L. DAVIES,

Plaintiff-Appellant,

versus

RICHARD EDWARDS, JR., Sheriff, Jefferson  
Davis Parish, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 96-CV-1603  
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

David L. Davies, Louisiana inmate #361176, appeals the district court's dismissal, with prejudice, for frivolousness of his claims concerning unlawful detention and deprivation of property. Davies argues the following issues which were presented to the district court: the claims had not prescribed because accrual occurred within the year from the date on which he filed his suit, and the doctrine of contra non valentem agere

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

non currit praescripto applies to his case and prevented prescription from running. For the first time on appeal Davies argues the following: prescription cannot run against a plaintiff who is incarcerated, and his claims involve continuing torts which prevented prescription from running.

We have carefully reviewed these arguments and the appellate record. We conclude that the district court did not abuse its discretion in determining that Davies' claims are frivolous because they have prescribed. See McCormick v. Stalder, 105 F.3d 1059, 1061 (5th Cir. 1997). The issues raised for the first time on appeal do not amount to plain error. See Highlands Ins. v. National Union Fire Ins., 27 F.3d 1027, 1031-32 (5th Cir. 1994).

AFFIRMED.