

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-60106  
Conference Calendar

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MELVIN JAMES,

Plaintiff-Appellant,

versus

KIRK FORDICE, GOVERNOR;  
BILLY MCGEE; RICK FORTE; TIM CARTER,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 2:94-CV-227-PG  
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Melvin James, prisoner # 219425, appeals the dismissal of his civil rights action for failure to state a claim upon which relief could be granted. The Mississippi officials had the legal authority for the extradition of James and Mississippi state law does not provide a fugitive with a right to a hearing. See U.S. Const. Art. IV, § 2, cl. 2; Miss. Code Ann. §§ 99-21-1 to -11 (1972). Furthermore, a person is not entitled to a pretransfer

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

evidentiary hearing under 18 U.S.C. § 3182. See Good v. Allain, 646 F. Supp. 1029, 1031 (S.D. Miss. 1986), aff'd in part and modified on other grounds in part, 823 F.2d 64, 66 (5th Cir. 1987). James can prove no set of facts which would entitle him to relief. The district court did not err in dismissing James' complaint.

AFFIRMED.