

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40833
Summary Calendar

TRACY B. BROWN,

Plaintiff-Appellant,

versus

JOANN DAVIS; KRISTEN L. LORMAN;
FRANCES ALMENDAREZ; DAVE METTING,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CV-107

February 22, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Tracy Brian Brown, Texas prisoner # 656394, appeals the dismissal of his suit pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Brown contends that the magistrate judge erroneously construed his conspiracy complaint pursuant to 42 U.S.C. § 1985(3), rather than § 1985(2) and 42 U.S.C. § 1983, and that the magistrate judge impermissibly considered the merits of his retaliation claim.

We have reviewed the record and Brown's brief and AFFIRM the magistrate judge's dismissal. Brown's claim that the defendants

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conspired to submit an altered government record and a perjured affidavit in a federal habeas corpus proceeding fails to state a claim under § 1985(2). See *Nealy v. Hamilton*, 837 F.2d 210, 212 (5th Cir. 1988); *Babb v. Dorman*, 33 F.3d 472, 476 (5th Cir. 1994). To the extent that Brown presents his conspiracy claim pursuant to § 1983, his bald allegations based upon his own personal belief are insufficient to state a § 1983 claim. See *Babb*, 33 F.3d at 476. In addition, Brown's conclusional allegations of retaliatory conduct are insufficient to state a cognizable claim under § 1983. See *Whittington v. Lynaugh*, 842 F.2d 818, 821 (5th Cir. 1988).

Brown's motion to supplement his brief is DENIED.

AFFIRMED. MOTION DENIED.