

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-60601
Conference Calendar

JAMES A. STEWARD,

Plaintiff-Appellant,

versus

BRYAN BURTON; MISSISSIPPI DEPARTMENT
OF CORRECTION PROBATION AND PAROLE DEPARTMENT;
JAMES ANDERSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:98-CV-157-B-D

August 24, 1999

Before KING, Chief Judge, and DAVIS and SMITH, Circuit Judges.

PER CURIAM:*

James A. Steward, Mississippi prisoner # 84896, appeals the district court's denial of in forma pauperis status and the closure of his 42 U.S.C. § 1983 action for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e. Section 1997e requires that administrative remedies be exhausted before filing a § 1983 action. Wendell v. Asher, 162 F.3d 887, 889 (5th Cir. 1988). Steward contends that he filed an Administrative

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Remedies Program complaint and that he was denied the opportunity to proceed in the district court for premature reasons without facts.

The district court's actions have not prejudiced Steward. Mississippi has a three-year limitations period. Miss. Code Ann. § 15-1-49 (1995); James v. Sadler, 909 F.2d 834, 836 (5th Cir. 1990) (three-year personal-injury statute of limitations applies in § 1983 cases in Mississippi). The limitations period will not expire until January of 2000. Provided Steward acts promptly, there are no barriers to the refiling of this action once he exhausts his administrative remedies as required by § 1997e. See Wendell, 162 F.3d at 892. Steward's motion to stay federal proceeding and for the appointment of counsel on appeal is DENIED.

AFFIRMED.