

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40492
Summary Calendar

FELIX J. MUNGIA,

Plaintiff-Appellant,

versus

OSCAR LOPEZ, Jim Wells, County Sheriff; JOE RODRIGUEZ, Jail
Administrator; ROBERT ROLDAN, Sergeant, Jailer,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-98-CV-538
- - - - -

November 24, 1999

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Felix J. Mungia, Texas prisoner #833729, appeals from the dismissal of his lawsuit filed pursuant to 42 U.S.C. § 1983 as frivolous. Mungia alleged that he had been denied his constitutional right of meaningful access to the courts through adequate law libraries or assistance from legally-trained personnel. The district court may dismiss an in forma pauperis complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) if it

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

lacks an arguable basis in law or fact. Siglar v. Hightower, 112

F.3d 191, 193 (5th Cir. 1997). We review such a dismissal for an abuse of discretion. Id.

Regarding his instant claims, Mungia failed to allege that he was denied legal assistance by his court-appointed counsel or that he suffered an actual injury due to the alleged deprivation. See Lewis v. Casey, 518 U.S. 343, 351-55 (1996)(actual injury requirement); Mann v. Smith, 796 F.2d 79, 83-84 (5th Cir. 1986)(denied legal assistance). The district court therefore did not abuse its discretion in dismissing the instant lawsuit as frivolous.

AFFIRMED.