

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50681
Summary Calendar

ROBERT A. CHICK,

Plaintiff-Appellant,

versus

W.K. BALDRIDGE; W.L. BAYS; HOWARD
L. SUBLETT; SHERRI ADELSTEIN,
District Clerk, 16th Judicial District,
Denton County, Texas; JIM WILLETT, SR.,
Warden,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-99-CV-173-SS

May 10, 2000

Before POLITZ, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Former Texas state prisoner Robert A. Chick seeks leave to appeal *in forma pauperis* (IFP) the district court's dismissal with prejudice of his 42 U.S.C. § 1983 claim based upon Heck v. Humphrey, 512 U.S. 477 (1994). Even were Chick able to show that Heck requirements do not bar his claim, his appeal would lack arguable merit because it would be time-barred. See Henson-El v. Rogers, 923 F.2d 51, 52 (5th Cir. 1991). We find that Chick's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

contention that he only discovered in 1998 that fraud had been committed in connection with his 1948 conviction to be without arguable merit. We also find Chick's argument that the time bar and Heck doctrine do not apply to him because he is proceeding under 28 U.S.C. § 1655 and/or Fed. R. Civ. P. 60 to be without arguable merit.

Chick's motion to supplement the record, to the extent that it requests introduction of evidence outside the record is DENIED. Because Chick's appeal lacks arguable merit, it is frivolous. Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Chick's motion to proceed IFP on appeal is therefore DENIED, and his appeal is DISMISSED.

MOTION TO PROCEED IFP DENIED; APPEAL DISMISSED; ALL OTHER OUTSTANDING MOTIONS DENIED.