

**UNITED STATES COURT OF APPEALS**  
**TENTH CIRCUIT**

**FEB 16 1999**

**PATRICK FISHER**  
Clerk

PAUL HUGGINS, JR.,

Plaintiff - Appellant,

vs.

ARISTEDES W. SAUARIS, Executive  
Director (sic) C.D.O.C., CLEVELAND  
WATSON, JAMES ROSS, FRANK E.  
RUYBALID, MARK MARKINNA,  
JIM AKINS, SR., RICHARD E.  
HORIAN, H. R. CUPP, RICHARD  
PASCNALL, HARRY SCHUMER,  
LT. ARAGON and SGT. JONES,

Defendants - Appellees.

No. 98-1289  
(D.C. No. 97-D-1241)  
(D. Colo.)

**ORDER AND JUDGMENT\***

Before **ANDERSON, KELLY, and BRISCOE**, Circuit Judges.\*\*

Mr. Huggins, a former inmate appearing pro se, seeks to appeal from the district court's order dismissing his civil rights complaint pursuant to 42 U.S.C.

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\* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. This court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

\*\* After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed. R. App. P. 34(a); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

§ 1983. On appeal, he contends that his right of access to the courts was hindered when he was not allowed to keep a scheduled law library appointment and that prison officials retaliated against him with disciplinary charges after he filed a grievance. Mr. Huggins cannot prevail on his claims because, among other problems, he has alleged no facts even suggesting any actual injury from missing his law library appointment, see Lewis v. Casey, 518 U.S. 343, 351 (1996), nor has he alleged any facts that would suggest that but for his protected conduct, the disciplinary actions would not have occurred, see Peterson v. Shanks, 149 F.3d 1140, 1145 (10th Cir. 1998). Even construing the pleadings liberally, the record supports dismissal of this action as legally frivolous particularly in light of the lack of allegations of personal participation on behalf of several Defendants, or for failure to state a claim. See 28 U.S.C. § 1915(e)(2)(B)(i) & (ii); Perkins v. Kansas Dep't of Corrections, No. 98-3005, 1998 WL 33063, \*1 (10th Cir. Jan. 27, 1999). We deny Mr. Huggins' request to proceed on appeal in forma pauperis and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.  
Circuit Judge