

**United States Court of Appeals**  
**FOR THE EIGHTH CIRCUIT**

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No. 00-1624

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James Joseph Owens-El,

Appellant,

v.

United States of America,

Appellee.

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Appeal from the United States  
District Court for the Western  
District of Missouri

[UNPUBLISHED]

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Submitted: February 13, 2001

Filed: February 23, 2001

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Before McMILLIAN, RICHARD S. ARNOLD, and FAGG, Circuit Judges.

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PER CURIAM.

Federal prisoner James Joseph Owens-El appeals from the final judgment entered in the District Court<sup>1</sup> for the Western District of Missouri, dismissing as untimely his Federal Torts Claims Act action, which he had filed in forma pauperis. For reversal, Owens-El argues the pre-service dismissal was improper and his action

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<sup>1</sup>The Honorable Russell G. Clark, United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

was timely. For the reasons discussed below, we affirm the judgment of the district court.

Owens-El alleged that the United States Parole Commission, the Federal Bureau of Prisons, and the Federal Bureau of Investigation, beginning in 1972, conspired to conceal from him the fact that he might be able to have 1968 Maryland convictions overturned. Even if Owens-El's action could be deemed timely, his allegations are frivolous, and dismissal therefore was appropriate. See 28 U.S.C. § 1915(e)(2)(B)(i) (court shall dismiss case at any time if it determines action or appeal is frivolous); Neitzke v. Williams, 490 U.S. 319, 325 (1989) (frivolous complaints lack arguable basis either in law or in fact).

Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.