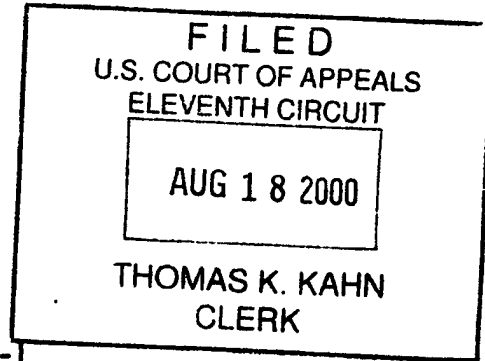


IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 99-14308
Non-Argument Calendar



D.C. Docket No. 99-01616-CV-RLV-1

GEORGE W. HIGH, SR.,
on behalf of himself and his wife,
VIRGINIA C. HIGH,

Plaintiff-Appellant,

versus

WILLIAM A. MORRISON,
Individually, d.b.a.
Jones, Morrison & Womack, P.C.,
C. MICHAEL ABBOTT,
Individually and P.C.,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Georgia

(August 18, 2000)

Before EDMONDSON, HULL and WILSON, Circuit Judges.

PER CURIAM:

George High, Sr., a federal prisoner, on behalf of himself and his wife, Virginia High, appeals the district court's dismissal, under 28 U.S.C. § 1915A, of his *pro se Bivens*¹ and 42 U.S.C. § 1985 claims against the lawyers who represented him in criminal proceedings.

On appeal, High argues that the district court erred by dismissing *sua sponte* his claims that his lawyers, Morrison and Abbott, conspired with various government actors to falsely indict him and his wife with illegally seized evidence and deprive them of various constitutional rights because of their race. He also argues that the district court erred by dismissing his complaint without giving him the opportunity to amend it.

A district court's *sua sponte* dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii) is reviewed *de novo*, using the same standards that govern Fed.R.Civ.P. 12(b)(6) dismissals. *See Mitchell v. Farcass*, 112 F.3d 1483, 1490 (11th Cir. 1997). A district court's refusal to grant leave to amend a complaint is reviewed for abuse of discretion, although we review *de novo* the underlying legal

¹*Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, 395-97, 91 S.Ct. 1999, 2004-05, 29 L.Ed.2d 619 (1971).

conclusion of whether a particular amendment to the complaint would be futile. *See Harris v. Ivax Corp.*, 182 F.3d 799, 802-03 (11th Cir. 1999). Applying these standards after review of the record and giving liberal consideration to High's brief, we find no reversible error.

The district court correctly dismissed High's § 1985 claims because they were vague, conclusory, and unsupported by the facts. The district court also correctly dismissed High's *Bivens* claims for lack of federal action. Additionally, because High could not have amended his complaint to state a cause of action, the district court properly dismissed High's suit without giving him leave to file an amended complaint.

AFFIRMED.