

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 16-20054
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 19, 2016

Lyle W. Cayce
Clerk

RICKEY L. HARGROVE,

Plaintiff-Appellant

v.

ASSISTANT DISTRICT ATTORNEY DONNA M. WELBORN-HAWKINS, In
her Individual and Official Capacity; DOES I THROUGH THE HARRIS
COUNTY DISTRICT ATTORNEY OFFICE,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-1494

Before KING, DENNIS, and COSTA, Circuit Judges.

PER CURIAM:*

Rickey L. Hargrove, Texas prisoner # 1294506, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint. According to Hargrove, Harris County Assistant District Attorney Donna Welborn-Hawkins and other unnamed prosecutors violated his right to due process because there was no evidence that Hargrove committed a crime. Hargrove contends that Welborn-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Hawkins acted beyond the scope of her duties as a prosecutor when she fabricated evidence, which she then presented to the grand jury to obtain an indictment.

In the district court and this court, Hargrove alleges no facts in support of his claim that the prosecutors fabricated evidence that was used against him. Rather, he merely presents conclusory allegations and relies on a purported lack of physical evidence, an inconclusive DNA report, and inconsistent statements of a prosecution witness as support for his civil rights claims. Even under de novo review, therefore, Hargrove fails to show error in the district court's conclusion that absolute prosecutorial immunity bars his civil rights claims and thus his complaint fails to state a claim for relief. *See Rogers v. Boatright*, 709 F.3d 403, 407 (5th Cir. 2013).

The judgment of the district court is AFFIRMED. Hargrove's motion requesting judgment for relief sought is DENIED.