

August 16, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20782
Conference Calendar

DARRELL J. HARPER,

Plaintiff-Appellant,

versus

JEFF BECK,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-3270

Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Darrell J. Harper filed a civil complaint for damages against Jeff Beck, a previous employer, alleging that he was dismissed from his employment on account of his race. Harper alleged claims of "racial profiling," civil rights violations, corruption, and conspiracy, among other claims. The district court dismissed Harper's complaint because it violated an injunction entered by that court on December 23, 2002. Harper

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

has filed a motion in this court seeking leave to proceed in forma pauperis (IFP) on appeal.

Because Harper does not address the reason for the district court's dismissal of his complaint, he has failed to establish a nonfrivolous ground for appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 28 U.S.C. § 1915(a)(3). His IFP motion is DENIED. As the appeal contains no nonfrivolous issues, it is DISMISSED. Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

We previously cautioned Harper that the filing or prosecution of frivolous appeals would subject him to sanctions. Harper v. City of Houston, No. 04-20787 (5th Cir. June 21, 2005) (unpublished). That appeal, too, involved the district court's dismissal for failure to comply with the December 23, 2002, injunction. Because this appeal was briefed prior to our warning, we decline to sanction Harper at this time. However, we reiterate our warning. Harper should review all pending appeals to ensure that they are not frivolous.

MOTION DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.