

August 16, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-20783  
Conference Calendar

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DARRELL J. HARPER,

Plaintiff-Appellant,

versus

DORSETT BROTHERS; ET AL.,

Defendants,

DORSETT BROTHERS; EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:04-CV-2059  
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Before BENAVIDES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:\*

Darrell J. Harper filed a civil complaint against Dorsett Brothers Concrete Supply, Inc., and the Equal Employment Opportunity Commission (EEOC) for \$4,000,000, alleging that he had been dismissed from his employment with Dorsett Brothers because of his race. The district court dismissed his complaint because it violated an injunction entered December 23, 2002.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Harper 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); FED. R. APP. P. 24(a). 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 Harper v. City of Houston, No. 04-20787 (5th Cir. June 21, 2005) (unpublished).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.