

July 27, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-10366
Summary Calendar

ROBERT J. GRODEN,

Plaintiff-Counter Defendant-Appellee,

versus

JACKIE DIANE ALLEN; ET AL.,

Defendants,

RICHARD BRENTON TOBIAS,

Defendant-Counter Claimant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CV-1685
USDC No. 3:06-CV-049

Before DAVIS, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Richard Brenton Tobias, a sanctioned litigant, requests permission to proceed in forma pauperis on appeal of the denial of his motion for access to exhibits. Tobias's motion and appeal are frivolous and without arguable merit. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, the motion is DENIED,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and the appeal is DISMISSED. See 5TH CIR. R. 42.2. All other outstanding motions are DENIED.

This court previously sanctioned Tobias for filing frivolous appeals and warned him that the filing of repetitious or frivolous actions would invite the imposition of additional sanctions. See Tobias v. Young, No. 95-10577 (5th Cir. Apr. 11, 1996) (unpublished); Tobias v. Brown, No. 95-40379 (5th Cir. Aug. 24, 1995) (unpublished). Accordingly, we order Tobias to pay \$500 in sanctions to the Clerk of this court.

Tobias is BARRED from filing in this court or in any court subject to this court's jurisdiction any appeal, motion, and/or pleading in connection with this case until the total amount of the sanction imposed is paid in full. Tobias is further BARRED from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court subject to this court's jurisdiction until the total amount of the sanction imposed is paid in full. Any submissions that do not show proof that the sanction has been paid will be neither addressed nor acknowledged. Upon proof that the sanction has been paid, Tobias is required to seek advance written permission of a judge of the forum court before filing any pro se, in forma pauperis, civil appeal, or any pro se, in forma pauperis, initial civil pleading. The Clerk of this court and the Clerks of all federal district courts in this Circuit are directed to return to Tobias, unfiled, any attempted submission

inconsistent with this bar. Tobias is cautioned that any future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction will subject him to additional sanctions.