

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-31059
Conference Calendar

RAYMOND SIMMONS,

Plaintiff-Appellant,

versus

CODE ENFORCEMENT,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 5:00-CV-686

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Raymond Simmons (Simmons) appeals from the district court's dismissal as frivolous pursuant to 28 U.S.C. § 1915(e) of his civil rights complaint brought pursuant to 42 U.S.C. § 1983. Because Simmons does not address the district court's reason for dismissing his civil action, namely that his suit is barred by *res judicata*, he has abandoned the only issue arguably on appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Simmons's appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because of Simmons's continuing frivolous relitigation of the same claims, we caution Simmons of this court's authority to impose sanctions upon parties who take frivolous appeals. See Fed. R. App. P. 38.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.