

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-50410  
Conference Calendar

---

DAVID MEMPHIS CARTER,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,  
INSTITUTIONAL DIVISION, REBECKA L. BURKETT,

Defendants-Appellees,

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-94-CV-359  
- - - - -

(October 18, 1995)

Before POLITZ, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:\*

A Texas prison official denied inmate David Memphis Carter access to issues of a magazine depicting women engaged in sex with each other. This court has held that such a denial is not constitutionally infirm. Thompson v. Patteson, 985 F.2d 202, 206-07 (5th Cir. 1993). Carter has given us no reason to revisit or limit the holding of Thompson.

---

\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

The complaint of a person proceeding in forma pauperis (IFP) may be dismissed without service of process or discovery. Cay v. Estelle, 789 F.2d 318, 324 (5th Cir. 1989). The dismissal of Carter's complaint was not an abuse of discretion. See Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994).

On motion for leave to appeal IFP, Carter has shown no nonfrivolous issue. Accordingly, we deny IFP and dismiss the appeal. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 5th Cir. R. 42.2.

We note that the district court imposed sanctions on Carter and that he does not challenge them on appeal. Issues not raised on appeal are abandoned. See Hobbs v. Blackburn, 752 F.2d 1079, 1083 (5th Cir.), cert. denied, 474 U.S. 838 (1985).

IFP DENIED, APPEAL DISMISSED.