

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10088
Conference Calendar

LUCIAN LEE SPANN, JR.,

Plaintiff-Appellant,

versus

L.W. WOODS, Warden of McConnel Unit
(formerly Warden of Price Daniel Unit),
in his individual capacity; ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:94-CV-141-C
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Lucian Lee Spann, Jr., TDCJ No. 591831, a Texas state prisoner, appeals the district court's order denying his motions to amend his complaint, for a subpoena duces tecum, and for a copy of the district court's file in his 42 U.S.C. § 1983 action.

This court must determine if it has appellate jurisdiction on its own motion, if necessary. Williams v. Brown & Root, Inc.,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

828 F.2d 325, 327 (5th Cir. 1987). The district court's order denying Spann's motions to amend his complaint, for a subpoena duces tecum, and for a copy of the district court's file is not an appealable final order and is not appealable under the collateral order doctrine. See Dardar v. Lafourche Realty Co., 849 F.2d 955, 957 (5th Cir. 1988); EEOC v. Kerrville Bus Co., 925 F.2d 129, 134 (5th Cir. 1991). Accordingly, Spann's appeal is DISMISSED as frivolous. See Loc. R. 42.2.

We warn Spann that the filing of frivolous appeals will result in additional sanctions. E.g., Smith v. McCleod, 946 F.2d 417, 418 (5th Cir. 1991); Jackson v. Carpenter, 921 F.2d 68, 69 (5th Cir. 1991). If Spann has any other appeals pending in this court at this time, he should review them in light of the foregoing warning and move to withdraw any appeal that is frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.