

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20322
Conference Calendar

ERIC VICTOR ESTEVES,
also known as Zetheary A. Reed,

Plaintiff-Appellant,

versus

COUNTY OF HARRIS;
HARRIS COUNTY COMMISSIONERS COURT,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-94-1715
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Eric Victor Esteves, Texas prisoner # 517832, appeals from the judgment of the district court dismissing his civil rights action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). He argues that the appellees were deliberately indifferent to his serious medical needs by failing to create a procedure for treating nicotine-addicted inmates as part of their policy to ban

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

smoking in the Harris County Jail. We have reviewed the record and the district court's opinion and find no reversible error.

Esteves can present no legal points arguable on their merits, and the appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2. We caution Esteves that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Esteves is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. SANCTION WARNING ISSUED.