

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30091
Summary Calendar

GEORGE RAYMOND SPENCER,

Plaintiff-Appellant,

versus

U.S. POSTAL SERVICE, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 95-CV-3138"B"

- - - - -
April 17, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

George Raymond Spencer appeals the district court's dismissal as frivolous of his civil rights complaint wherein he alleged that his constitutional rights were violated in connection with his conviction. By failing to brief the issue whether the district court erred by dismissing his complaint, Spencer has abandoned this argument on appeal. See Evans v. City of Marlin, Tex., 986 F.2d 104, 106 n.1 (5th Cir. 1993). Further, the district court's dismissal of the complaint under Heck v.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Humphrey, 114 S. Ct. 2364 (1994), was not an abuse of discretion. See Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993).

This appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. Spencer's motion to enlarge the record on appeal is DENIED. Spencer is warned that any future frivolous filings will invite the imposition of sanctions. To avoid sanctions, Spencer should review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; MOTION DENIED; SANCTION WARNING ISSUED