UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 96-30312
Summary Calendar

MARTIS COOPER,

Plaintiff-Appellant,

versus

JOE JOBERT, Warden; THOMPSON, of the Institutional Classification Office; RANDY PINION, Sheriff,

Defendants-Appellees.

Appeal from the United States District Court
For the Eastern District of Louisiana
(95-CV-1246)

December 13, 1996

Before POLITZ, Chief Judge, JOLLY and BARKSDALE, Circuit Judges.

PER CURIAM:*

Martis Cooper appeals the denial of his motion to vacate the dismissal of his civil rights action. Cooper's claim that his constitutional rights were violated

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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

because he was not transferred from a parish jail to an institution operated by the Louisiana Department of Public Safety and Corrections is frivolous.[1] The fallacy of his contention that the defendants breached their settlement agreement is made clear by the tape-recording of the hearing held before the magistrate judge. His claim that the local authorities' failure to provide him with a partial dental plate violated his eighth amendment rights also is frivolous.[2] This appeal is frivolous and it is, accordingly, DISMISSED.[3]

We caution Cooper that any additional frivolous appeals filed by him will invite the imposition of the full panoply of sanctions. This caution extends to any other appeal that Cooper may have pending.

APPEAL DISMISSED; SANCTION WARNING ISSUED.

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[1]**Meachum v. Fano**, 427 U.S. 215 (1976); **Luken v. Scott**, 71 F.3d 192 (5th Cir. 1995), cert. denied, 116 S.Ct. 1690 (1996).

[2]**Mendoza v. Lynaugh**, 989 F.2d 191 (5th Cir. 1993).

[3]Local Rule 42.2.