

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30318
Summary Calendar

EDDIE LEE MARSHALL,

Plaintiff-Appellant,

versus

BRUCE N. LYNN; JOHN P. WHITLEY; RICHARD
PEABODY, Colonel; DORA RABALAIS; DARREL
VANNOY; (UNKNOWN) CALVERT,

Defendants-Appellees.

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Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 90-CV-500
- - - - -

July 18, 1996

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

Eddie Lee Marshall, # 87459, appeals the district court's dismissal on summary judgment grounds of his 42 U.S.C. § 1983 civil rights action. Section 1983 requires a violation of a constitutional or a statutory right. Green v. McKaskle, 788 F.2d 1116, 1123 (5th Cir. 1986). Marshall has not demonstrated a deprivation of a protectible liberty interest. Giovanni v. Lynn, 48 F.3d 908, 912 (5th Cir.), cert. denied, 116 S. Ct. 167

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(1995); Luken v. Scott, 71 F.3d 192, 193 (5th Cir. 1995) (quoting Sandin v. Conner, 115 S. Ct. 2293, 2295 (1995)), cert. denied, 116 S. Ct. 1690 (1996).

Marshall's appeal is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983) (frivolous appeal is without arguable merit in law and fact). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

We previously warned Marshall in Marshall v. Stalder, No. 93-3842 (5th Cir. May 17, 1994), that further frivolous appeals would invite the imposition of sanctions. Accordingly, Marshall is barred from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court; the clerk of this court and the clerks of all federal district courts in this Circuit are directed to return to Marshall, unfiled, any attempted submission inconsistent with this bar.

APPEAL DISMISSED; SANCTION IMPOSED.