

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40231
Conference Calendar

KOYTON GANT,

Plaintiff-Appellant,

versus

ROBERT C. CHESHIRE, District Judge,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-V-95-84
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Koyton Gant, # 666003, appeals the judgment of the district court dismissing his civil rights action pursuant to 28 U.S.C. § 1915(d). He argues inter alia that Judge Cheshire is not entitled to absolute immunity in his function as the presiding judge in his state habeas corpus application. We have reviewed the record and Gant's brief and conclude that the district court

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

did not abuse its discretion. Gant v. Cheshire, No. CA-V-95-84 (S.D. Tex. Feb. 14, 1996).

The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Gant that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Gant is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED. SANCTION WARNING ISSUED.