

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40645  
Conference Calendar

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GERALD GREEN,

Plaintiff-Appellant,

versus

KEN KUYKENDALL, Doctor, Beto I,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:96-CV-29  
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Gerald Green, Texas inmate #414769, appeals the dismissal of his civil rights complaint against Dr. Ken Kuykendall, a prison doctor. He argues that Dr. Kuykendall denied him adequate medical care. We have reviewed the record and Green's brief and AFFIRM for the reasons set forth by the district court. Green v. Kuykendall, No. 6:96-CV-29 (E.D. Tex. June 28, 1996).

Green's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2. Green is cautioned that any future frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. Green is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

Green's motion for the appointment of counsel is DENIED.

APPEAL DISMISSED; SANCTION WARNING ISSUED.