

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60243  
Summary Calendar

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LENARD G. GIBBS,

Plaintiff-Appellant,

versus

BOYD P. ATKINSON, Judge and Attorney  
of Bolivar County, MS, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Northern District of Mississippi  
USDC No. 2:95-CV-66-B-B

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August 21, 1996  
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:\*

Lenard G. Gibbs, Mississippi inmate #82242, appeals the dismissal for frivolousness of his civil rights complaint. He argues the following: 1) Boyd P. Atkinson rendered ineffective assistance of counsel; 2) Atkinson violated Gibbs's due process rights; 3) Atkinson's threats and the remaining defendants'

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

inaction violated Gibbs's Eighth Amendment rights. We have carefully reviewed the arguments and the appellate record. For essentially the same reasons as explained in the magistrate judge's report, we conclude that the district court did not abuse its discretion in dismissing the complaint as frivolous. See Denton v. Hernandez, 504 U.S. 25, 33 (1992).

This appeal is frivolous and is therefore DISMISSED. See 5th Cir. R. 42.2. We caution Gibbs that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Gibbs 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.