

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60348  
Conference Calendar

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MOSES CHARLES EVERETT,

Plaintiff-Appellant,

versus

EDWARD M. HARGETT; CHRISTINE HOUSTON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:94-CV-128-B-B  
- - - - -

October 24, 1996

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

PER CURIAM:\*

Moses Charles Everett, Jr., Mississippi prisoner #76894, appeals the district court's dismissal as frivolous of his 42 U.S.C. § 1983 complaint. Everett contends that the district court erred in denying him additional credit against his sentence for sexual battery. Everett's claim is precluded by the United States Supreme Court's decision in Heck v. Humphrey, 114 S. Ct.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

2364, 2372-74 (1994), because the relief he seeks would imply the invalidity of his state-court sentence. A review of the record indicates that Everett's contentions are without merit.

Everett's appeal is frivolous and is dismissed. 5th Cir.

R. 42.2.

We caution Everett that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Everett is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.