

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-60395  
Conference Calendar

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JAMES M. LYLE, IV,

Plaintiff-Appellant,

versus

PHILLIP W. JARRELL, DEIDRE  
COSPELICH, WILLIAM F. DUKES,  
For the law firm of Dukes,  
Dukes, Keating & Feneca, P.A.'s,  
RICARDO DEDEAUX, MICHAEL D. HALL,  
Warden, RICK GASTON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:95-CV-211GR  
- - - - -

October 23, 1996

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

PER CURIAM:\*

The district court did not abuse its discretion in  
dismissing the civil rights action under 42 U.S.C. § 1983 filed  
by James M. Lyle, IV, #84998, because it had no arguable basis in

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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that this opinion should not be published and is not precedent  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.

law or in fact. Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993).

This appeal is without arguable merit and thus frivolous. Howard v. King, 702 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous it is DISMISSED. 5th Cir. Rule 42.2.

Lyle is cautioned that any additional frivolous filed by him will invite the imposition of sanctions. To avoid sanctions, Lyle is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.