

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20567  
Conference Calendar

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JAMES L. BLACK,

Plaintiff-Appellant,

versus

WAYNE SCOTT; FRED FIGUEROA; J.D. PUGH,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-96-CV-1440  
- - - - -

August 19, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

James L. Black, Texas prisoner #647682, appeals from the district court's dismissal as frivolous of his civil rights complaint brought pursuant to 42 U.S.C. § 1983. We have reviewed the record and the briefs of the parties, and we find no reversible error. Because Black's claims of negligence and vicarious liability are not cognizable in a § 1983 cause of action, the district court did not abuse its discretion by determining that his claims were frivolous. See Marsh v. Jones, 53 F.3d 707, 712 (5th Cir. 1995); Moore v. Mabus, 976 F.2d 268,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

270 (5th Cir. 1992); Thompkins v. Belt, 828 F.2d 298, 303 (5th Cir. 1987).

Black's appeal is without arguable merit, is frivolous, and therefore is DISMISSED. See 5TH CIR. R. 42.2; see Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Black is cautioned that any future frivolous appeals or pleadings filed by him or on his behalf will invite the imposition of sanctions. Black should therefore review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.