

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50162
Conference Calendar

WILLIE BERRY, JR.,

Petitioner-Appellant,

versus

MARY PEARL WILLIAMS, Judge;
53rd JUDICIAL DISTRICT COURT,

Respondents-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CV-937

- - - - -
August 20, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Texas state prisoner (# 552044) Willie Berry, Jr., has appealed the district court's dismissal of his petition seeking a writ of mandamus directed to a Texas state trial court and one of its judges. This claim is frivolous. See Moye v. DeKalb County Superior Court, 474 F.2d 1275, 1276 (5th Cir. 1973). Because Berry's appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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

IS IS FURTHER ORDERED that Berry's request for an order that he be transferred to a different prison unit is DENIED.

APPEAL DISMISSED; SANCTION WARNING ISSUED; MOTION DENIED.