

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-51096  
Conference Calendar

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FREO FRED LAMPKIN,

Plaintiff-Appellant,

versus

D.J. POPPELL, Senior Warden; GEORGE HEAD, Captain;  
JEFFREY JEFFCOAT, Assistant Warden; R. SANCHEZ;  
M. DAVIS; KENNETH SHERMAN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-96-CV-1214-OG  
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October 20, 1999

Before JONES, WIENER, and STEWART, Circuit Judges.

PER CURIAM:\*

Freo Fred Lampkin, Texas inmate #569786, appeals the district court's dismissal of his civil rights complaint. Because Lampkin failed to object to the magistrate judge's report, our review is limited to plain error. See Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc). From our careful review of Lampkin's arguments, we

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conclude that Lampkin has failed to demonstrate plain error. See

Highlands Ins. v. National Union Fire Ins., 27 F.3d 1027, 1031-32 (5th Cir. 1994).

This appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2. Lampkin is cautioned that future frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. Lampkin is further cautioned to review any pending appeals to ensure that they are not frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.