

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30618
Conference Calendar

VOGEL DENISE NEWSOME,

Plaintiff-Appellant,

versus

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;
PATRICIA T. BIVINS, District Supervisor/
Director for EEOC; GREGORY A. PAPPION,
Investigator for EEOC; SEAN E. TUCKER,
Investigator for EEOC; MICHAEL FETZER,
District Director for EEOC,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 01-CV-2134-B

December 12, 2002

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Vogel Denise Newsome has appealed the district court's denial of her petition for writ of mandamus to compel the Equal Employment Opportunity Commission (EEOC) to conduct a more thorough investigation of her claims of discrimination against Louisiana State University Health Sciences Center and to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

investigate whether named EEOC employees violated Newsome's civil rights by failing to pursue her claims vigorously.

In a prior suit, Newsome appealed the denial of mandamus relief with regard to the EEOC's handling of her claims against another former employer, Christian Health Ministries. We dismissed that appeal as frivolous and instructed Newsome that EEOC determinations regarding the nature and extent of an investigation are discretionary decisions not subject to the mandamus remedy. Newsome v. EEOC, 301 F.3d 227, 227-34 (5th Cir. 2002). We warned Newsome that if she "continue[d] to bring such frivolous appeals in the future, this court w[ould] consider sanctioning her pursuant to our inherent sanction powers and our powers to sanction frivolous appeals." Id. at 233-34. Although she received this warning several months before filing the instant appeal, Newsome has again appealed from the denial of a writ of mandamus to compel a discretionary decision of the EEOC.

The appeal is without arguable merit and therefore is dismissed as frivolous. See 5TH CIR. R. 42.2; Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Newsome is sanctioned \$250 to be paid to the clerk of this court. Until the fine is paid in full, the clerk of this court is directed to return to Newsome unfiled any submission to this court.

APPEAL DISMISSED; SANCTION IMPOSED.