

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-30473
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 22, 2016

Lyle W. Cayce
Clerk

PATRICK DANIEL MOUTON,

Plaintiff-Appellant

v.

MICHAEL W. NEUSTROM; INTERNAL AFFAIRS,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:15-CV-603

Before DAVIS, JONES, and GRAVES, Circuit Judges.

PER CURIAM:*

Patrick Daniel Mouton appeals the dismissal of his Freedom of Information Act (FOIA), 5 U.S.C. § 552, *et seq.*, complaint. The district court did not err in dismissing Mouton's FOIA complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim because FOIA does not apply to the local defendants named in Mouton's complaint. *See* 5 U.S.C. §§ 551(1), 552(f)(1); *Leal v. McHugh*, 731 F.3d 405, 410 (5th Cir. 2013).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 15-30473

Mouton's appeal is frivolous and without merit and is dismissed as such. *See* 5TH CIR. R. 42.2.

Although Mouton's appeal is frivolous, we decline to exercise our authority to impose sanctions against Mouton at this time and deny Defendants' motion for damages and costs. Mouton, however, is warned that the prosecution of any additional frivolous appeals or motions in this court will subject him to sanctions. *See* FED. R. APP. P. 38; *Clark v. Green*, 814 F.2d 221, 223 (5th Cir. 1987). Mouton's motion entitled "Motion to Show Cause and Memorandum Brief" is denied because he is not entitled to FOIA relief.

APPEAL DISMISSED; MOTIONS DENIED; SANCTION WARNING ISSUED.