

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 92-7154 c/w 92-7661
Summary Calendar

UNITED STATES OF AMERICA
Plaintiff-Appellee,

VERSUS

MICHAEL HABINIAC, JR.,
Defendant-Appellant.

Appeal from the United States District Court
For the Southern District of Texas

(CA C 91 152 (CR C 88 313))

(August 30, 1993)

Before GARWOOD, SMITH, and DeMOSS, Circuit Judges.

PER CURIAM:*

The district court is AFFIRMED.

The Federal Rules of Appellate Procedure provide that "[i]f a court of appeals shall determine that an appeal is frivolous, it may award just damages." Fed. R. App. P. 38. In In Re Habiniak,

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

No. 92-0097 (5th Cir. June 2, 1992) (unpublished order), we cautioned the defendant against continuing to prosecute frivolous matters in this Court. The defendant obviously chose to ignore our warning. Therefore, we admonish the defendant for the final time that, if he chooses to file additional frivolous appeals and motions, he will be sanctioned pursuant to Rule 38.