

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1950
Conference Calendar

J.B. FIVEASH,

Plaintiff-Appellant,

versus

TOM GREEN COUNTY, TEXAS, ET AL.,

Defendants-Appellees.

- - - - -
CONSOLIDATED WITH
No. 94-10166
- - - - -

J.B. FIVEASH,

Plaintiff-Appellant,

versus

TOM GREEN COUNTY, TEXAS, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:93-CV-072-C
USDC No. 6:93-CV-072-C
- - - - -
(July 20, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

We sua sponte consolidate these two cases on appeal. In No. 93-1950, J. B. Fiveash challenges the dismissal of his civil rights suit as frivolous and malicious.

A complaint filed in forma pauperis (IFP) can be dismissed by the court sua sponte if the complaint is frivolous or malicious. 28 U.S.C. § 1915(d). This Court reviews a § 1915(d) dismissal under the abuse-of-discretion standard. Graves v. Hampton, 1 F.3d 315, 318 (5th Cir. 1993).

Fiveash filed this pro se and IFP suit under 42 U.S.C. § 1983 seeking \$21,201,000 from more than 60 defendants. The district court, after noting that Fiveash had brought an exceptionally large number of claims against defendants entitled to immunity from § 1983 damage claims, specifically found that the character of Fiveash's allegations indicated a motive on his part to harass or vex the defendants. Fiveash argues that not all of his claims are frivolous and objects to the dismissal of his complaint prior to the issuance of process and without being given the opportunity to amend. However, Fiveash does not address the district court's finding of maliciousness, and he suggests that the court is part of the alleged conspiracy. Accordingly, the district court did not abuse its discretion in dismissing this complaint.

In No. 94-10166, Fiveash argues that, because he is an indigent, he is entitled to file-stamped copies of his pleadings at Government expense. Although Fiveash was granted leave to proceed IFP in the district court, that status waives only "prepayment of fees and costs" and allows for payment by the

Government of the expenses of "printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court" 28 U.S.C. § 1915(a),(b). There is no provision in the statute which gives Fiveash the right to have his pleadings copied and returned to him at Government expense. See In re Richard, 914 F.2d 1526, 1527 (6th Cir. 1990).

Moreover, Fiveash fails to explain why he needed the copies to present his case on appeal. See Harvey v. Andrist, 754 F.2d 569, 571 (5th Cir.) (plaintiff in civil rights action must demonstrate "particular need for transcript" or present "a substantial question"), cert. denied, 471 U.S. 1126 (1985).

Fiveash's appeals are without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeals are frivolous, they are DISMISSED. 5th Cir. R. 42.2.

Fiveash is cautioned that the filing of frivolous complaints and frivolous appeals are not matters to be taken lightly by any party, particularly one trained in the law. If Fiveash persists in his frivolous filings, this Court will consider imposing the full panoply of sanctions.

APPEALS DISMISSED.