

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-3254
Summary Calendar

GENE ROY HESS,

Plaintiff-Appellant,

VERSUS

SANDRA BECKHAM,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(93-CV-617-E)

June 29, 1993

Before JOLLY, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Gene Roy Hess, an inmate at the Louisiana State Penitentiary at Angola, appeals *pro se* the dismissal, pursuant to 28 U.S.C. § 1915(d), of his 42 U.S.C. § 1983 action against Sandra Beckham, the supervisor for the criminal records department of the Plaquemines Parish Sheriff's Department. We **AFFIRM**.

I.

Proceeding *pro se* and *in forma pauperis*, Hess alleged that Beckham maliciously altered records regarding the amount of his

* Local Rule 47.5.1 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 Pursuant to that rule, the court has determined that this opinion should not be published.

bond, in an attempt to undermine another § 1983 action he initiated against the Sheriff of Plaquemines Parish and the State of Louisiana. In that action (prior action), he raised this assertion as an objection to the magistrate's report and recommendation, but this court, concurrently with the rendering of this opinion, upheld summary judgment in favor of the defendants. See **Hess v. Wooten**, No. 92-3830 (5th Cir. June __, 1993) (unpublished).

In this action, the magistrate judge recommended dismissal of the complaint as an attempt to relitigate the prior action, noted three other lawsuits initiated by Hess against public officials (two regarding public records), and warned that continued abuse of the privilege of proceeding IFP would subject Hess to sanctions under 28 U.S.C. § 1915(e). The district court adopted the magistrate's opinion, and dismissed the complaint.

II.

"IFP complaints may be dismissed as frivolous pursuant to § 1915(d) when they seek to relitigate claims which allege substantially the same facts arising from a common series of events which have already been unsuccessfully litigated by the IFP plaintiff". **Wilson v. Lynaugh**, 878 F.2d 846, 850 (5th Cir.), cert. denied, 493 U.S. 969 (1989). Hess is attempting to use this action to challenge the dismissal of his previous lawsuit. Therefore, dismissal was proper. Hess's remaining contentions are raised for the first time on appeal, so we will not consider them. See **Beck v. Lynaugh**, 842 F.2d 759, 762 (5th Cir. 1988).

In addition to the magistrate's warning, this court has previously warned Hess that further prosecution of frivolous appeals will result in the imposition of sanctions pursuant to Fed. R. App. P. 38, despite his *pro se* status. See **Hess v. Wooten**, No. 92-3237 (5th Cir. May 6, 1992) (unpublished). Because Hess has not heeded these warnings, we now sanction him as stated below.

III.

For the foregoing reasons, the dismissal is **AFFIRMED**. Furthermore, effective immediately and until further order of this court, all clerks of court subject to the jurisdiction of this court shall decline to accept and file any civil rights complaint submitted by Gene Roy Hess, Sr., unless the complaint has been presented first to a district judge, who has specifically authorized the filing.

AFFIRMED.