

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-7386  
Conference Calendar

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FRANK HANNER, JR.,

Plaintiff-Appellant,

versus

STATE OF MISSISSIPPI, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. CA-4:92-254-D-D  
- - - - -  
(October 28, 1993)

Before POLITZ, Chief Judge, and SMITH and WIENER, Circuit Judges.

PER CURIAM:\*

Frank Hanner, Jr., an inmate at the Mississippi State Penitentiary at Parchman, filed a pro se, in forma pauperis civil rights action naming 15 defendants. He alleged claims concerning the Mississippi parole laws and the media covering the State of Mississippi. The district court dismissed the action as frivolous under 28 U.S.C. § 1915(d) and warned Hanner that sanctions could be imposed if he continued to file clearly baseless claims.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

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A district court may dismiss an in forma pauperis proceeding if the claim has no arguable basis in law and fact. Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992). The dismissal is reviewed for abuse of discretion. Id.

In his brief and supplemental brief, Hanner presents only ramblings and vague references to prior cases he has filed. To the extent that he is challenging the § 1915(d) dismissal of his civil rights action alleging a due process violation, his argument fails. In a claim under § 1983, Hanner must show the deprivation of a constitutional right by a person acting under color of state law. See Daniel v. Ferguson, 839 F.2d 1124, 1128 (5th Cir. 1988). Because the statutes creating parole in Mississippi confer "absolute discretion" on the Parole Board, no liberty interest has been created; and federal constitutional due process rights are not triggered. Scales v. Mississippi State Parole Board, 831 F.2d 565, 565-66 (5th Cir. 1987). Without a constitutional violation, Hanner's claim has no arguable basis in law. The district court did not abuse its discretion.

Because of the numerous and repetitious filings, we caution Hanner that if he files another petition raising these same issues, we will assess monetary sanctions and he will not be allowed any other filings in the district court without prior approval of that court and no further appeals to this court unless the district court has certified that the appeal is taken in good faith. See Vinson v. Heckmann, 940 F.2d 114, 116 (5th Cir. 1991); see also Moody v. Baker, 857 F.2d 256, 258 (5th Cir.), cert. denied, 488 U.S. 985 (1988) ("The imposition of a

sanction without a prior warning is generally to be avoided.").

Hanner presents no legal points arguable on their merits; his appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). The appeal is DISMISSED. See 5th Cir. Loc. R. 42.2.