

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-7486
Conference Calendar

FRANK HANNER, JR.,

Plaintiff-Appellant,

versus

THE STATE OF MISSISSIPPI,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. CA-3:92-582(B)(N)
- - - - -
(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 (IFP) civil rights action against the State of Mississippi and 28 individual defendants. He alleged that the defendants conspired to deprive him of his freedom through unlawful legislation and by bribing judges.

The district court correctly interpreted Hanner's pleadings as a challenge to his incarceration for a 1983 conviction for grand larceny. Hanner's pleadings alleged that there was a

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

conspiracy to convict him for grand larceny; and, as a result of the conviction, his parole was revoked without a hearing. The district court found that the complaint was repetitious.

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). This dismissal is reviewed for abuse of discretion. Id. "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).

There is nothing in Hanner's brief and attachments to convince us that he is raising claims other than those concerning the revocation of his suspended sentence on the occasion of his conviction for grand larceny. He raises no issue arguable in law; therefore, the district court did not abuse its discretion in dismissing the action as frivolous.

In our opinion in case number 93-7386 rendered today, we warned Hanner against filing any further frivolous complaints in the trial court or frivolous appeals in this court. No further warnings will issue before the full panoply of sanctions available to the court will be brought to bear.

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

motion for en banc review is DENIED.