

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8373
Conference Calendar

RONNY JOE LANE,

Plaintiff-Appellant,

versus

CARL JEFFRIES, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-92-CV-347
- - - - -
(March 24, 1994)

Before KING, DAVIS and DeMOSS, Circuit Judges.

PER CURIAM:*

The district court correctly held that Texas prison officials' denial to Ronny Joe Lane of a sexually explicit magazine does not violate the Constitution. Thompson v. Patteson, 985 F.2d 202, 206-07 (5th Cir. 1993). The district court's denial of a temporary restraining order (TRO) is unreviewable. Matter of Lieb, 915 F.2d 180, 183 (5th Cir. 1990). We will not issue a TRO. See United States v. City of Jackson, 519 F.2d 1147, 1153 (5th Cir. 1975); NAACP v. Thompson, 321 F.2d

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

199, 200 (5th Cir. 1963). Lane's motions for leave to file supplementary briefs are denied because this Court does not consider factual allegations made for the first time on appeal. Self v. Blackburn, 751 F.2d 789, 793 (5th Cir. 1985).

This appeal is frivolous. See Howard v. King, 707 F.2d 215, 129-30 (5th Cir. 1983); 5th Cir. R. 42.2. The sanction that this Court imposed on Lane in appeal No. 92-5205 has not been paid and did not deter him from filing the instant appeal. Accordingly, Lane shall pay to the Clerk of this Court an additional \$75. Until the two sanctions totalling \$100 are paid in full, Lane shall be barred from filing any further pleadings, either in the district courts of this Circuit or in this Court, without obtaining leave of court to do so. Additionally, we warn Lane that the use of racial epithets in any subsequent filing in this Court will result in the filing being stricken. See Therriault v. Silber, 579 F.2d 302, 303-04 (5th Cir. 1978), cert. denied, 440 U.S. 917 (1979). "This court simply will not allow liberal pleading rules and pro se practice to be a vehicle for abusive documents." Id. at 303.

APPEAL DISMISSED, SANCTION IMPOSED, ALL MOTIONS DENIED.