

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 93-8598  
Conference Calendar

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RUDY HOLGUIN,

Plaintiff-Appellant,

versus

JAMES A. LYNAUGH, Director,  
Texas Department of Criminal Justice,  
Institutional Division, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-93-CV-261  
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(March 25, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

BY THE COURT:

IT IS ORDERED that the motion to proceed in forma pauperis is DENIED. The appeal lacks arguable merit and is, therefore, frivolous. Jackson v. Dallas Police Dept., 811 F.2d 260, 261 (5th Cir. 1986). In deciding the motion to proceed in forma pauperis, this Court has examined the motion and supporting papers in the light most favorable to the appellant and has reviewed the record for any basis to support granting appellant relief on appeal. Because we have concluded, on this review, that the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is DISMISSED. See Local Rule 42.2.

This lawsuit is repetitive because it seeks to relitigate

claims which allege substantially the same facts arising from a common series of events which the plaintiff, Rudy Holguin, raised in a previous lawsuit that was dismissed on grounds of frivolity. Wilson v. Lynaugh, 878 F.2d 846, 850 (5th Cir.), cert. denied, 493 U.S. 969 (1989); see also Graves v. Hampton, 1 F.3d 315, 318 (5th Cir. 1993) (§ 1915(d) dismissal may have a res judicata effect on frivolousness determinations for future in forma pauperis petitions).