

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-10372
Summary Calendar

GERARD HENNESSEY,

Plaintiff-Appellant,

LINDA ANN VEGA,

Appellant,

VERSUS

L. J. BLALACK, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
(5:93-CV-78-C)

(February 2, 1995)

Before GARWOOD, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:¹

Hennessey appeals the dismissal of his RICO claims against L. J. Blalock, a former justice of the peace for Lubbock County, Texas, and other Lubbock County officials. Hennessey's complaint alleges that Lubbock County officials operated a corrupt enterprise through which excessive fines were funnelled to them in violation of the Racketeer Influenced and Corrupt Organization Act, 18 U.S.C.

¹ 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

§§ 1961-1968 ("RICO"). The district court entered Rule 54(b) orders dismissing most of the defendants and dismissing some of Hennessey's claims against the remaining defendants, including the RICO claim. The court subsequently entered summary judgment on the remaining claims. The court also denied Hennessey's motions to certify a class action and to disqualify the district judge. Hennessey subsequently filed numerous appeals of the district court's Rule 54(b) orders. The principal issue Hennessey raises in this appeal is whether the district court erred in dismissing the RICO claims and denying his motions.

We conclude that Hennessey's arguments in this appeal are frivolous. A frivolous appeal is an appeal in which "the result is obvious or the arguments are wholly without merit." **Coghlan v. Starkey**, 852 F.2d 806, 811 (5th Cir. 1988). The arguments Hennessey makes in this appeal are those we resolved in a previous unpublished decision, **Hennessey v. Blalack**, Nos. 93-1808, **etc.** (5th Cir. Aug. 30, 1994) ("**Hennessey I**"). In **Hennessey I** we affirmed the district court's orders at issue in the present appeal. Under the "law of the case" doctrine, Hennessey's arguments raising the same issues that we have already resolved in a previous decision are foreclosed. **Chevron U.S.A., Inc. v. Traillour Oil Co.**, 987 F.2d 1138, 1150 (5th Cir. 1993). Hennessey's arguments are thus wholly without merit. Accordingly, we DISMISS his appeal and, in view of the large number of Hennessey's appeals still pending in this court, we take this occasion to warn Hennessey that any additional frivolous appeals filed by him or on his behalf will be met with an appropriate sanction under Federal Rule of Appellate Procedure 38.

To avoid sanctions, Hennessey should review all of his pending appeals to ensure that they do not raise arguments already resolved by this court.

DISMISSED.