

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-20250  
Conference Calendar

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DARRIN KEITH EDWARDS,

Plaintiff-Appellant,

versus

JAMES (JIM) LYNAUGH ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-90-2501

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(November 16, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:\*

An IFP plaintiff's claim that has no arguable basis in law or fact may be dismissed as frivolous. 28 U.S.C. § 1915(d); Booker v. Koonce, 2 F.3d 114, 115-16 (5th Cir. 1993). Review is for abuse of discretion. Booker, 2 F.3d at 115. Issues not argued are abandoned. See Hobbs v. Blackburn, 752 F.2d 1079, 1083 (5th Cir.), cert. denied, 474 U.S. 838 (1985).

A prisoner's right of access to the courts is denied when he is deprived of the opportunity to file a legally sufficient claim. Mann v. Smith, 796 F.2d 79, 84 (5th Cir. 1986). Delay of

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

access also implicates this right. Foster v. City of Lake Jackson, 28 F.3d 425, 430 (5th Cir. 1994). To state a constitutional violation, a prisoner must show that his access to the courts has been prejudiced. Henthorn v. Swinson, 955 F.2d 351, 354 (5th Cir.), cert. denied, 112 S. Ct. 2974 (1992); Richardson v. McDonnell, 841 F.2d 120, 122 (5th Cir. 1988).

According to Texas prisoner Darrin Keith Edwards's own testimony, a nine-month denial of access to the prison law library resulted in no disposition adverse to him in any lawsuit. Accordingly, the district court did not abuse its discretion in dismissing the action as frivolous.

Like a complaint, an appeal may be frivolous. When the result is obvious or the arguments of error are wholly without merit, an appeal is frivolous. Coghlan v. Starkey, 852 F.2d 806, 811 (5th Cir. 1988). This appeal so qualifies and is dismissed. See 5th Cir. R. 42.2. All motions relating to the instant appeal are denied as moot. All of Edwards's motions not relating to the instant appeal are denied because they are not relevant.

Generally, a warning precedes the imposition of sanctions against a pro se litigant. When a litigant's conduct is especially egregious, however, a warning is not a prerequisite to a sanction. Cf. Moody v. Baker, 857 F.2d 256, 258 (5th Cir.), cert. denied, 488 U.S. 985 (1988) (A Fed. R. Civ. P. 11 sanction is generally preceded by a warning but may be imposed when litigant's conduct is especially egregious.).

The district court imposed sanctions on Edwards for filing frivolous lawsuits. He then filed this appeal and six motions in

this Court, all of which are frivolous. Accordingly, we impose a monetary sanction of \$200 on Edwards. Until he pays to the Clerk of this Court the \$200 monetary sanction imposed, Edwards will not be permitted to file any further pleadings, either in the district courts of this Circuit or in this Court, without obtaining leave of court to do so.

APPEAL DISMISSED; MOTIONS DENIED; SANCTION IMPOSED.

THE MANDATE SHALL ISSUE FORTHWITH.