

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40522
Conference Calendar

THURMAN WAYNE ARMON,

Plaintiff-Appellant,

versus

RANDY D. MCLEOD, Warden of
the Stiles Unit,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:94-CV-78

(September 20, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Thurman Wayne Armon argues that his motion for leave to proceed in forma pauperis (IFP) was not ruled on, but Armon was impliedly granted IFP. A district court may dismiss an IFP action whenever it properly determines that the action is frivolous. Cay v. Estelle, 789 F.2d 318, 324 (5th Cir. 1989). Such a dismissal is proper when the claims have no arguable basis in law or fact. 28 U.S.C. § 1915(d); Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993).

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Armon makes no attempt to present an argument as to any error in the district court, other than the one based on his misapprehension that IFP had not been granted. An appellant, even one proceeding pro se, is required to make an argument. Fed. R. App. P. 28(a)(5); Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). This appeal is frivolous and is dismissed as such. Coghlan v. Starkey, 852 F.2d 806, 811 (5th Cir. 1988); 5th Cir. R. 42.2.

Today this Court disposes of another of Armon's appeals, which borders on the frivolous. Armon v. Matthews, No. 94-20420 (5th Cir. Sept. 19, 1994) (unpublished). A mere two months ago, this Court held yet another of Armon's appeals to be frivolous. Armon v. Neff, No. 94-10160 (5th Cir. July 19, 1994) (unpublished). The district court twice warned Armon about bringing frivolous cases.

Considering the Matthews and Neff appeals, together with the instant appeal and the two warnings by the district court, we now sanction Armon. See Clark v. Green, 814 F.2d 221, 223 (5th Cir. 1987). He is ordered to pay a sanction of \$100. Until Armon pays the Clerk of this Court the sanction in its entirety, he 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. Armon is instructed to review other appeals that he might have pending in this Court and to withdraw any that are frivolous.

APPEAL DISMISSED; SANCTION IMPOSED.