

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60609
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DONALD GENE HENTHORN,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. 1:CR-85-278-1
- - - - -

August 23, 1995

Before KING, JOLLY, and WIENER, Circuit Judges.

PER CURIAM:*

An order denying a motion for the recusal of a district judge is not immediately appealable. Nobby Lobby, Inc. v. City of Dallas, 970 F.2d 82, 85 & n.3 (5th Cir. 1992). We have previously informed Donald Gene Henthorn of this rule. United States v. Henthorn, No. 90-2368, slip op. at 2 (5th Cir. June 6, 1990) (unpublished). Nevertheless, for the third time in one

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

action, Henthorn appeals the denial of a motion for the recusal of the district judge. The appeal is dismissed.

Filing successive appeals of three similar nonappealable orders is egregious conduct. As a sanction for such conduct, we order Henthorn to pay to the clerk of this court the amount of \$100. We direct the clerk to accept for filing no appeal or other action by Henthorn until he pays the sanction in full. See Gelabert v. Lynaugh, 894 F.2d 746, 747-48 (5th Cir. 1990). Furthermore, after Henthorn pays the sanction, he may make no filings in this court without first obtaining the permission of a judge of this court, which he must request by writing to the clerk.

APPEAL DISMISSED. SANCTION IMPOSED.