

UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

No. 95-10658

(Summary Calendar)

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

SAM MERIT,

Defendant-Appellant.

Appeal from the United States District Court
For the Northern District of Texas
(3:87-CR-153-T)

March 7, 1996

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Sam Merit appeals the district court's denial of a successive Fed. R. Civ. P. 60(b) motion. We have reviewed the appeal and find it without arguable merit. Accordingly, Merit's appeal is DISMISSED as frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

Merit previously has been warned by this court that he may be sanctioned for any frivolous appeals filed by him or on his behalf. Additionally, Merit has continued to abuse the courts by the successive filing of postjudgment motions and appeals of the denials of those motions. Accordingly, Merit is barred from

* Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

filing, or having anyone file on his behalf, any *pro se, in forma pauperis*, civil appeal in this court, or any *pro se, in forma pauperis*, initial civil pleading or motion in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court or of this court; the clerk of this court and the clerks of all federal district courts in this Circuit are directed to return to Merit, unfiled, any attempted submission inconsistent with this bar.

IT IS FURTHER ORDERED that the Government's motion to dismiss Merit's appeal is DENIED as unnecessary, and Merit's application for release pending appeal and Joyce E. Merit's motion to file an *amicus curiae* brief are also DENIED.

APPEAL DISMISSED.

SANCTION IMPOSED.