

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-11103  
Summary Calendar

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THOMAS GIL STEWART,

Plaintiff-Appellant,

versus

MESQUITE POLICE DEPARTMENT,

Defendant,

CITY OF MESQUITE, TX, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Northern District of Texas  
USDC No. 3:94-CV-877-T

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August 28, 1996  
Before JOLLY, JONES, and STEWART, Circuit Judges.

PER CURIAM:\*

Thomas Gil Stewart (Texas prisoner # 571499) has filed an appeal from the district court's dismissal of his "John Doe" defendants and a repetitive appeal from the denial of his many

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\*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

motions for the appointment of counsel. Because the dismissal of the John Does adjudicates the liability of fewer than all of the parties and does not terminate the action, it is not appealable unless certified by the district judge under Fed. R. Civ. P. 54(b). Thompson v. Betts, 754 F.2d 1243, 1245 (5th Cir. 1985). There has been no certification; thus, this court lacks appellate jurisdiction to consider the dismissal of the John Does. Stewart's repetitive appeal from the denial of his motion for the appointment of counsel is barred by the law-of-the-case doctrine. Chevron U.S.A., Inc. v. Traillour Oil Co., 987 F.2d 1138, 1150 (5th Cir. 1993). This appeal is frivolous and is DISMISSED as such. 5th Cir. R. 42.2.

Stewart's motions for the appointment of counsel are DENIED.

We caution Stewart that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Stewart is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED; MOTIONS DENIED; SANCTIONS WARNING ISSUED.