

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20552  
Conference Calendar

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CARL W. DAVIS, CHARLES J.  
CHANNELL, CLIFFORD RICE,  
ROBERT LAND, MICHAEL D.  
MILLER, ROBERT G. WHITE, MICHAEL  
BRYANT, GREGORY THARP, JOHN NEWELL,

Plaintiffs,

MICHAEL CAIN,

Plaintiff-Appellant,

versus

JOHNNY KLEVENHAGEN, Sheriff, 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-94-1302  
- - - - -

February 29 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Michael Cain appeals from the district court's judgment dismissing his civil rights action with prejudice pursuant to 28 U.S.C. § 1915(d). Cain argues that the district court erred in dismissing the complaint without giving him an opportunity to plead his best case. We have reviewed the record and the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court's opinion and find no reversible error. A separate suit by individuals for equitable relief is disallowed to avoid interference with the orderly administration of the class action. See Gillespie v. Crawford, 858 F.2d 1101, 1103 (5th Cir. 1988) (en banc). Moreover, supervisory officials are not liable for the actions of subordinates on a theory of vicarious liability or respondeat superior. See Thompkins v. Belt, 828 F.2d 298, 303 (5th Cir. 1987).

On appeal, Cain can present no legal points arguable on their merits, and the appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2. The motions to amend the complaint, for appointment of counsel, and for an extension of time to file a brief are DENIED. We caution Cain that any additional frivolous appeals filed by him will invite the imposition of sanction. To avoid sanctions, Cain is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED.