

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20609
Conference Calendar

MICHAEL J. GOMEZ,

Petitioner-Appellant,

versus

BACKLOG OF NORTH TEXAS, Subsidiary of
Texas Management Division of Houston Incorporated;
STACEY D. KIMMELMAN, Managing agent for
Idlewood Apartments Association, a Texas
Joint Venture,

Respondents-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. MC-H-95-203
- - - - -

March 1, 1996

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

PER CURIAM:*

Michael J. Gomez appeals the district court's denial of his motion to proceed in forma pauperis in his civil suit under the Fair Labor Standards Act. He argues that the district court improperly denied IFP and deferred ruling on his motion to proceed IFP on appeal.

We have reviewed the record and the district court's order and find no issue of arguable merit. Accordingly, we deny IFP

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and dismiss the appeal as frivolous. 28 U.S.C. § 1915(a); Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

We caution Gomez that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Gomez 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.

IFP DENIED, APPEAL DISMISSED AS FRIVOLOUS.