

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20849  
Summary Calendar

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ROBERT RASBERRY, JR.,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, 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-93-1131  
- - - - -

May 27, 1996

Before KING, DAVIS and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Robert Rasberry, Jr., appeals from the judgment of the district court dismissing his civil rights action in part for failure to state a claim and in part as frivolous. Rasberry argues that the district court abused its discretion in dismissing his Eighth Amendment claim as frivolous. We have reviewed the record and the district court's order of dismissal and find no reversible error. Rasberry v. Collins, No. CA-H-93-

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

1131 (S.D. Tex. Sept. 11, 1995). Rasberry does not adequately argue his remaining claims in the body of his brief, and they are deemed abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

The appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. 5th Cir. R. 42.2. We caution Rasberry that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Rasberry 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. SANCTION WARNING ISSUED.