

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-21082
Summary Calendar

CULLEN CENTER BANK & TRUST,

Plaintiff,

versus

INVESTMENT CHOICES CORPORATION, ET AL.,

Defendants.

DOV ANVI KAMINETZKY,

Appellant,

versus

UNITED STATES OF AMERICA,

Appellee.

Appeal from the United States District Court for
the Southern District of Texas
(CA-H-95-4403)

October 24, 1996
Before REAVLEY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The order of contempt and commitment, dated December 1, 1995, is affirmed for the following reasons.

Dov Kaminetzky and his company, Investment Choices, were liable to Cullen Bank for obligations due for a car wash operation. Kaminetzky filed frivolous claims against the successor to Cullen Bank, and many others, because of the liabilities of the car wash and other operations. When the district court dismissed those claims, it entered on March 16, 1995 an order enjoining Kaminetzky from filing any action raising an issue alleged in the prior cases without first obtaining judicial approval. The court's order put Kaminetzky on notice that a violation could be punished by criminal contempt.

On September 7, 1995, Kaminetzky filed a notice of removal in federal court, seeking to remove a state court suit between him and Cullen Bank wherein the Bank sought to recover an obligation owed because of the car wash operation. No judicial approval was sought or obtained for this filing, itself frivolous.

The district judge gave Kaminetzky notice that he would be ordered to appear and show cause why he should not be held in contempt for violation of the March 16 order, which order the judge read to Kaminetzky.

The hearing was held on December 1, 1995, at which time, after hearing testimony from Kaminetzky and argument by his attorney, the court found Kaminetzky to have committed a knowing

and willful violation of the March 16 order and remanded him to imprisonment for 48 hours.

Kaminetzky argues that he had inadequate notice of his violation and of the criminal contempt hearing. The evidence reflects no uncertainty about the proceeding and about the violation. The court's findings are supported and its order is AFFIRMED.