

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-30196
Summary Calendar

JOHN WAYNE TONUBBEE,

Plaintiff-Appellant,

versus

EDWIN EDWARDS, RICHARD L. STALDER,
PAUL FONTENOT, MARTY LINSEY,
C. MARTIN LENSING, a/k/a Marty Linsey,
and FRED KENNEDY, Captain,

Defendants-Appellees.

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Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 93-CV-196-BM2
- - - - -

November 8, 1995

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

John Tonubbee appeals a summary judgment in his 42 U.S.C. § 1983 suit. He argues that the defendants violated a protected liberty interest when they transferred him from the State Police Barracks to the Louisiana State Penitentiary at Angola; the district court erred by curtailing discovery; and the district

* Local Rule 47.5.1 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

judge should have recused himself. Tonubbee's transfer did not violate a constitutionally protected liberty interest. Sandin v. Conner, 115 S. Ct. 2293, 2300 (1995). No abuse of discretion occurred in the district court's handling of discovery matters or its failure to enter an order of recusal. Richardson v. Henry, 902 F.2d 414, 417 (5th Cir.), cert. denied, 498 U.S. 901 (1990) and cert. denied, 498 U.S. 1069 (1991); United States v. Harrelson, 754 F.2d 1153, 1165 (5th Cir.), cert. denied, 474 U.S. 908 (1985); 28 U.S.C. § 455.

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

The appeal is DISMISSED. See 5TH CIR. R. 42.2.