

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-31314
Conference Calendar

MICHAEL W. BURGE,

Plaintiff-Appellant,

versus

RICHARD L. STALDER, Secretary, ET AL.,

Defendants,

RICHARD PEABODY, Associate Warden, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 92-CV-799
- - - - -

April 19, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Michael W. Burge seeks in forma pauperis (IFP) status to appeal the district court's dismissal of his civil rights complaint. Burge argues that the district court abused its discretion by entering summary judgment for the defendants without allowing Burge to conduct discovery.

Burge has failed to identify any error in the district court's dismissal of his suit. See Burge v. Stalder, CA No. 92-799-B-M2 (M.D. La. Sept. 20, 1995 and July 21, 1995). Having

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

reviewed the record and the relevant law, we DENY the motion for IFP because this appeal does not involve legal points arguable on their merits. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). Thus, the appeal is frivolous and subject to dismissal. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Burge that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Burge 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