

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40595
Conference Calendar

GREGORY WILCOX,

Plaintiff-Appellant,

versus

CASIANO, Officer

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-92-CV-376
- - - - -

(October 19, 1995)

Before POLITZ, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:*

Gregory Wilcox has moved for leave to proceed in forma pauperis (IFP) on appeal. Wilcox must show that he will present a nonfrivolous issue on appeal. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). Wilcox's bare assertion that his appeal involves an Eighth Amendment argument is insufficient to identify a nonfrivolous appellate issue. Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987); see FED. R. APP. P. 28(a)(6).

* Local Rule 47.5 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

His claim of ineffective counsel at his civil trial is frivolous. The Sixth Amendment right to effective assistance of counsel does not apply in civil litigation. Sanchez v. U.S. Postal Serv., 785 F.2d 1236, 1237 (5th Cir. 1986).

Wilcox's motion to appeal IFP is DENIED and the appeal, which is frivolous, is DISMISSED. 5th Cir. R. 42.2. We caution Wilcox that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Wilcox 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.