

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40618
Conference Calendar

ROBERT WAYNE MITCHELL,

Plaintiff-Appellant,

versus

JERRY O. BENGE,
S. WALLACE,
JOHN M. ROE,
TERRAL H. WARREN,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-1016
- - - - -

December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Robert W. Mitchell, a prisoner of the State of Texas, appeals from the judgment of the district court dismissing his civil rights action pursuant to 28 U.S.C. § 1915(d). Mitchell argues that his punishment for refusing to "pick chickens" was a violation of due process because he could not have known that his conduct was prohibited and that the district court erred in

* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

issuing a warning that he may be subject to future sanctions if he files frivolous lawsuits. We have reviewed the record and the district court's opinion and find no reversible error.

The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. The district court warned Mitchell that he could be subject to sanctions if he persisted in filing frivolous lawsuits. Accordingly, Mitchell is hereby sanctioned in the amount of \$100, and he is barred from filing any further civil, pro se, in forma pauperis appeals in this court, without the advance written permission of a judge of this court, until the sanction is paid.

APPEAL DISMISSED.