

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40633
Conference Calendar

JIHAAD A.M.E. SAAHIR,
f/k/a Jihad Abdullah Shabazz,

Plaintiff-Appellant,

versus

W.J. ESTELLE, JR; M.D. HERKLOTZ; E.E. ALFORD;
D. LOWRY; DAVID M. BEAGLE; OFFICER SOAPE;
JOHN L. LINDSEY,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:83-CV-225
- - - - -

December 19, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

This case is here on a motion to proceed in forma pauperis (IFP) on appeal. Saahir argues that this court's prior decision never decided whether the tapes were religious or non-religious. He admits that some of the tapes are the same tapes which were the subject of this court's prior decision. He contends that it is not legal for the defendant to determine what kind of musical

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

tapes he needs to practice his religion. He contends that he has proven that music is part of his religious practices, and that his practices are not necessarily the same as all Muslim sects. He argues that he should have been afforded a hearing so that the district court could determine whether these tapes are a part of his Muslim practices.

We have reviewed the record and the district court's opinion and find no issue of arguable merit. Accordingly, we deny IFP and dismiss the appeal as frivolous. 28 U.S.C. § 1915(a); Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

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

IFP DENIED, APPEAL DISMISSED AS FRIVOLOUS.