

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40714
Conference Calendar

CHARLES KENNETH NELSON,

Plaintiff-Appellant,

versus

OSCAR SOLIZ, DISTRICT CLERK
OF NUECES COUNTY, TEXAS,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-93-CV-329
- - - - -

December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Charles Kenneth Nelson appeals an order of the district court denying Fed. R. Civ. P. 60(b) relief from a judgment dismissing his civil rights action as frivolous. He argues that Soliz deprived him of his constitutional rights by failing to provide the record and transcripts of his state court conviction for his habeas corpus proceedings. We have reviewed the record and the district court's opinion and find no reversible error.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Nelson has not alleged the deprivation of a federal constitutional right.

On appeal, Nelson can present no legal points arguable on their merits, and the appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2. We caution Nelson that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Nelson 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.