

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40742
Conference Calendar

LARRY D. BONEY,

Plaintiff-Appellant,

versus

DAVID BLACKWELL, Lt;
HESTER P., COIII,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-95-CV-305
- - - - -

December 19, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Larry D. Boney filed a civil rights complaint alleging that the defendants-appellees used excessive force against him. The district court dismissed the complaint without prejudice under Fed. R. Civ. P. 41(b) for want of prosecution because Boney failed to comply with a court order. On appeal Boney argues the merits of his claim but does not address the basis of the

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

district court's dismissal. Issues not raised or briefed are considered abandoned.

The appeal is DISMISSED because it is frivolous. 5th Cir. R. 42.2. We caution Boney that any additional frivolous appeals filed by him invite the imposition of sanctions. To avoid sanctions, Boney is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED.