

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40878
(Summary Calendar)

CLAY WEST KING,

Plaintiff-Appellant,

versus

M. LOYA; J. BRAGGS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
(USDC No. G-91-CV-455)
- - - - -

April 16, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

This is an appeal from the district court's order dismissing appellant's 42 U.S.C. § 1983 action as frivolous under 28 U.S.C. § 1915(d). Appellant contends that the defendants changed his classification without justification; the defendants retaliated against him for filing grievances and lawsuits by changing his classification and by filing false disciplinary charges; the defendants filed false or "bad" disciplinary charges against him; a prison official unnamed in this action used excessive force

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

against him; and some of his legal documents were lost or destroyed when he was transferred to another unit. We have reviewed the record and the appellant's brief and find no abuse of discretion in the dismissal. See Denton v. Hernandez, 504 U.S. 25, 31-32 (1992). Accordingly, the appeal presents no issue of arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. 5th Cir. R. 42.2.

We caution appellant that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, appellant 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.

DISMISSED.