

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40934  
Conference Calendar

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JAMES L. SWEED,

Plaintiff-Appellant,

versus

WARDEN ZELLER; MAJOR CAMPUZANO WILLISON; ANN RICHARDS,  
Governor,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-94-CV-484  
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

James L. Sweed appeals the dismissal of his civil rights action under 42 U.S.C. § 1983. He argued in the district court that the defendants denied him equal protection because they allowed Hispanic inmates to watch Hispanic rap music on television but refused to allow black inmates to watch African-American rap music. The magistrate judge dismissed Sweed's complaint for failure to exhaust administrative remedies. On appeal, Sweed does not address the merits of the district

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

court's opinion. His appeal is frivolous and is dismissed accordingly. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987); 5th Cir. R. 42.2.

We caution Sweed that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Sweed 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; SANCTION WARNING ISSUED.