

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50239
USDC No. W-93-CA-37

SYNNACHIA McQUEEN,

Plaintiff-Appellant,

versus

RAUL MATA, Captain; BRYANT L. EPPS;
JACK M. GARNER, Warden;
FREDERICK LANGEHENNIG, Subst. Counselor,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
- - - - -

November 7, 1995

Before HIGGINBOTHAM, DUHÉ and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

This is the appeal of the judgment for Bryant Epps following a jury trial. The appellant's motion for leave to proceed in forma pauperis is DENIED.

The appellant contends that the district court erred by denying his motion in limine to prohibit any reference to the conviction for which he is incarcerated; erred by instructing the jury to consider whether Epps acted in good faith if it found

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

that Epps had violated his right to due process; erred by failing to instruct the jury regarding his claim that Epps deprived him of his right to present documentary evidence at a prison disciplinary hearing; and erred by declining to admit a prison activity log into evidence. The appellant also contends that the verdict was contrary to the evidence. We have reviewed the trial transcript and conclude that the appeal is frivolous.

We admonished the appellant on October 11, 1995, to examine his pending appeals and to withdraw any frivolous appeals. We reiterate that admonishment and further warn the appellant that any future frivolous appeals will result in sanctions against him.

APPEAL DISMISSED. See 5TH CIR. R. 42.2.