

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50241
USDC No. WA-91-CV-315

SYNNACHIA McQUEEN,

Plaintiff-Appellant,

versus

DAVID TURNER, COIII; GREG L. KLEPPER,
Officer; ROGELIO NAVARRO, COIII, Officer;
MICHAEL WISEMAN, COIII; DAVID H. McCULLOUGH, Lt.;
DENNIS POLK, Sgt.,

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:*

Synnachia McQueen's motion for leave to proceed *in forma pauperis* (IFP) on appeal is DENIED.

McQueen appeals a jury verdict that Correctional Officers David Turner and Greg Klepper did not use excessive force against him in prison. McQueen contends that the district court erred by denying his motion in limine; gave erroneous jury instructions

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

regarding the Eighth Amendment and the defendants' good-faith defense; failed to instruct the jury regarding his Fourteenth Amendment and state-law claims; and erred by not admitting into evidence an internal affairs report. McQueen also contends that the defendants did not offer a non-discriminatory reason for exercising a peremptory strike against the sole remaining black venireperson and that the verdict was contrary to the evidence.

We have examined McQueen's motion and the record and have concluded that all of the issues he raises for appeal are frivolous. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). We have warned McQueen that frivolous appeals might result in sanctions. We also have admonished McQueen to review his pending appeals and withdraw any that are frivolous. We reiterate our admonition to McQueen and warn him that any further frivolous appeals will result in sanctions.

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