

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50289
(Summary Calendar)

DANTE D'AGOSTINO, III,

Plaintiff-Appellant,

versus

CYNDI KRIER, Judge, Commissioner's Court;
BEXAR COUNTY; RALPH LOPEZ, Sheriff; JOSE
PEPE LUCERO; JOHN C. SPARKS, Dr.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
(USDC No. SA-94-CA-321)
- - - - -

April 17, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Dante D'Agostino, III, appeals from summary judgment in favor of Bexar County, Chief Judge Cyndi Krier, Sheriff Ralph Lopez, and Director Pepe Lucero. He argues that the district court erred in granting summary judgment on his claim that the defendants were deliberately indifferent to his serious medical needs. We have reviewed the record and the district court's opinion and find no reversible error. D'Agostino v. Krier, No. SA-94-CA-321 (W.D. Tex.

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Mar. 31, 1995). The motions for production of documents and appointment of counsel on appeal are DENIED.

On appeal, D'Agostino can present no legal points arguable on their merits, and the appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2. We caution D'Agostino that any additional frivolous appeals filed by him will invite the imposition of sanctions. If D'Agostino has any pending appeals, we caution him to review them to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED.