

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50370
Conference Calendar

CHARLIE WILBORN,

Plaintiff-Appellant,

versus

TERRY KEEL, Sheriff,
DAN T. RICHARDS, Asst. Chief
Deputy, GREG MARTINEZ, Captain,
SGT. DIAZ #411, M. S. # 720,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CV-562

- - - - -
December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Charlie Wilborn appeals from the judgment of the district court dismissing his civil rights action as frivolous pursuant to 28 U.S.C. § 1915(d). He argues that the appellees deprived him of his constitutional right of access to the courts by confiscating his legal materials and depriving him of their use during his transfer to the Travis County Jail.

* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

We have reviewed the record and the district court's opinion and find no reversible error. Wilborn has not been deprived of his right to present his consolidated lawsuits to the district court and to appeal the judgment in this court. The motion for appointment of counsel on appeal is DENIED.

The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Wilborn that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Wilborn 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.