

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50614
Conference Calendar

TERRY W. HUNTSBERRY,

Plaintiff-Appellant,

versus

JAMES A. AMENT,
Correctional Officer III,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-94-CV-118

- - - - -
December 19, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Terry W. Huntsberry requests leave to proceed in forma pauperis (IFP) on appeal from the district court's grant of summary judgment in favor of the defendant in this civil rights action alleging the excessive use of force. He has failed to set forth a nonfrivolous issue. The use of force against him was neither excessive, malicious, nor sadistic, and the injury suffered was no more than de minimis. Therefore, IFP is DENIED.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

This appeal presents no issue of arguable merit and is thus frivolous. Because the appeal is frivolous, it is DISMISSED.

See 5th Cir. R. 42.2.

Huntsberry previously has been warned by this court that he may be sanctioned for filing further frivolous pleadings. Accordingly, Huntsberry is barred from filing any pro se, in forma pauperis, civil appeals in this court, or any pro se, in forma pauperis, initial civil pleading in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court or of this court; the clerk of this court and the clerks of all federal district courts in this circuit are directed to return to Huntsberry, unfiled, any attempted submission inconsistent with this bar.

IFP DENIED; APPEAL DISMISSED; SANCTIONS IMPOSED.