

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60241
Summary Calendar

ROBERT E. TUBWELL,

Plaintiff-Appellant,

versus

BARBARD DUNN, Circuit Clerk of Hinds County
Mississippi, ET AL.,

Defendants,

BARBARA DUNN, Circuit Clerk of Hinds County,
Mississippi; J.D. MCADORY, Sheriff, Hinds
County, Mississippi; L.L. STEVENS, Deputy
Circuit Clerk, Hinds County, Mississippi; and
BOBBY GALLIGER, Chief Jailer, Hinds County,
Mississippi,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:91-cv-191BN

November 27, 1995

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Robert E. Tubwell has applied for leave to proceed in forma pauperis on appeal. Tubwell argues that there were genuine issues of material fact precluding entry of summary judgment and

* 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 Pursuant to that Rule, the court has determined that this opinion should not be published.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 a sworn declaration filed in support of the defendants' motion for summary judgment did not comply with Fed. R. Civ. P. 56(e). We have carefully reviewed the magistrate judge's memorandum opinion and the record and hold that Tubwell has failed to raise a non-frivolous issue for appeal. Therefore, the application for leave to proceed in forma pauperis is DENIED. Because the appeal is frivolous, it is DISMISSED.

Tubwell has been previously warned by this court that he may be sanctioned for filing further frivolous pleadings. Accordingly, Tubwell is BARRED from filing any pro se, in forma pauperis, civil appeal 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 Tubwell, unfiled, any attempted submission inconsistent with this bar.

MOTION DENIED; APPEAL DISMISSED; SANCTIONS IMPOSED.