

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10081
Conference Calendar

LARRY LYNN ROBINSON,

Plaintiff-Appellant,

versus

DALLAS COUNTY, TEXAS,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-2411
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Larry Lynn Robinson appeals the district court's dismissal with prejudice of his 42 U.S.C. § 1983 complaint pursuant to 28 U.S.C. § 1915(d) and the dismissal without prejudice of his habeas claims for failure to exhaust state remedies. Robinson contends that he has been unlawfully imprisoned because his conviction violates the constitutional prohibition against double jeopardy. Robinson's § 1983 claims are legally frivolous because they question the validity of his conviction and his conviction

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

has not been declared invalid pursuant to Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994). Boyd v. Biggers, 31 F.3d 279, 283 (5th Cir. 1994). Robinson admits that he has not exhausted state remedies regarding his habeas claims. See 28 U.S.C. § 2254(b). Accordingly, Robinson's appeal is frivolous and should be dismissed for the reasons adopted by the district court. See 5th Cir. R. 42.2. Robinson v. Dallas County, No. 3:95-CV-2411 (N.D. Tex. Dec. 19, 1995). Robinson's motion to investigate his criminal history is DENIED.

We caution Robinson that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Robinson 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; SANCTIONS WARNING ISSUED; MOTION DENIED.