

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10099
Conference Calendar

CURTIS WADE PERKINS,

Plaintiff-Appellant,

versus

RICHARD HARRIS, Sheriff,
Schleicher County Jail,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:95-CV-049-C
- - - - -

April 16, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Curtis Wade Perkins appeals the dismissal as frivolous of his civil rights complaint which asserted the denial of access to the courts. Perkins' argument on appeal, that the representation of his court-appointed counsel for the criminal charge was inadequate legal assistance under the standard of Bounds v. Smith, 430 U.S. 817 (1977), was not raised in the district court and thus is reviewable only for plain error. See Highlands Ins. Co. v. National Union Fire Ins. Co., 27 F.3d 1027, 1031-32 (5th

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Cir. 1994), cert. denied, 115 S. Ct. 903 (1995). For essentially the same reasons upon which the district court relied, we conclude that the district court did not abuse its discretion in dismissing the complaint as frivolous. See Perkins v. Harris, No. 6:95-CV-049-C (N.D. Tex. Jan. 12, 1996). Therefore, there was no error, plain or otherwise.

This appeal is frivolous. See 5th Cir. R. 42.2. We caution Perkins that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Perkins is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED. ADMONITION ISSUED.