

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10182
Conference Calendar

RAYE ELLEN STILES,

Plaintiff-Appellant,

versus

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:95-CV-086-C
- - - - -

August 22, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Raye Ellen Stiles appeals from the district court's sua sponte dismissal of her in forma pauperis complaint as frivolous pursuant to 28 U.S.C. § 1915(d), the relevant portion of which has since been redesignated as § 1915(e)(2)(B)(i) by § 804 of the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996). She contends that the court abused its discretion by failing to make a direct ruling as to whether the complaint, the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

claim, or the accompanying facts were frivolous or malicious.

We have reviewed the record and Stiles' brief and we find no abuse of discretion. As the district court made clear, Title VII of the Civil Rights Act of 1964 does not confer any right of action against the EEOC for challenges to its processing of a claim. Gibson v. Missouri Pac. R.R., 579 F.2d 890, 891 (5th Cir. 1978), cert. denied, 440 U.S. 921 (1979).

Because Stiles' complaint lacks an arguable basis in law, it is frivolous. See Clark v. Green, 814 F.2d 221, 223 (5th Cir. 1987) (a frivolous appeal is one in which the claim advanced is unreasonable or is not brought with a reasonably good faith belief that it is justified). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

We caution Stiles that any additional frivolous appeals filed by her will invite the imposition of sanctions. To avoid sanctions, Stiles is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. SANCTION WARNING ISSUED.