

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10189
Conference Calendar

ALBERT WAYNE WARE,

Plaintiff-Appellant,

versus

STATE OF TEXAS,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:96-CV-046-A
- - - - -

April 18, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Albert Wayne Ware filed a pro se, in forma pauperis, 42 U.S.C. § 1983 civil rights complaint against the State of Texas seeking monetary relief. The district court dismissed the complaint as frivolous pursuant to 28 U.S.C. § 1915(d). We hold that the district court did not abuse its discretion, essentially for the same reasons provided by the district court in Ware v. Texas, No. 4:96-CV-046-A (N.D. Tex. Feb. 9, 1996).

This appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the appeal is frivolous, it will be dismissed. 5th Cir. R. 42.2.

We caution Ware that any additional frivolous appeals filed by him or in his behalf will invite the imposition of sanctions. To avoid sanctions, Ware 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; SANCTIONS WARNING.