

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-10265  
Conference Calendar

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JEFFREY WAYNE TYREE,

Plaintiff-Appellant,

versus

SIDNEY A. FITZWATER;  
UNITED STATES DEPARTMENT OF JUSTICE,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:96-CV-297-R  
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Texas prisoner Jeffrey Wayne Tyree, # 0138675, appeals the dismissal of his civil rights suit challenging the judicial acts of Judge Fitzwater. For the reasons adopted by the district court, we conclude that the appeal is frivolous. Tyree v. Fitzwater, No. 3:96-CV-0297-R (N.D. Tex. Mar. 6, 1996). The appeal is dismissed as such. See Howard v. King, 707 F.2d 215,

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Tyree that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Tyree 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. SANCTION WARNING ISSUED.