

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10338
Conference Calendar

JIMMY LEE HICKSON,

Plaintiff-Appellant,

versus

KALMANOV, Doctor,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:96-CV-50-X
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Jimmy Lee Hickson, #500542, appeals the dismissal of his civil rights action without prejudice for failure to pay his prior monetary sanctions and failure to move for leave to file his complaint. Hickson argues that the district court erred in precluding him from filing his complaint without conducting an inquiry to determine whether he is able to make payment. We have reviewed the record and Hickson's brief and conclude that there

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

is no error. See Hickson v. Kalmanov, No. 7:96-CV-50-X (N.D. Tex. Mar. 11, 1996).

The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Hickson that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Hickson 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. SANCTION WARNING ISSUED.