

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10447
Conference Calendar

BILLY EUGENE JOHNSON,

Plaintiff-Appellant,

versus

DALLAS COUNTY SHERIFF'S DEPARTMENT; JACKSON,
Deputy; MEDICAL STAFF; COUNTY OF DALLAS;
SECOND SHIFT NURSE,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-2680-G
- - - - -

August 21, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Billy Eugene Johnson, #713367, appeals from the district court's dismissal of his civil rights complaint as barred by the doctrine of res judicata. Johnson raises the same claims of deliberate indifference and excessive force against the same defendants that he previously asserted in an earlier civil rights complaint. The district court dismissed with prejudice Johnson's

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

earlier complaint as frivolous and this court affirmed. See Johnson v. Stewart, No. 95-10768 (5th Cir. Dec. 20, 1995). The district court did not err by sua sponte dismissing Johnson's second complaint on grounds of res judicata. See Nagle v. Lee, 807 F.2d 435, 438-39 (5th Cir. 1987). Johnson's appeal from the district court's judgment is without arguable merit and is thus frivolous. We caution Johnson that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Johnson is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.