

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10474
Conference Calendar

ARZIE WAYNE DUNCAN,

Plaintiff-Appellant,

versus

CAGLE, Lt.; DALHART UNIT
ADMINISTRATION,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:95-CV-175
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Arzie Duncan (#568368) appeals the dismissal of his civil rights complaint pursuant to 28 U.S.C. § 1915(d), now § 1915(e)(2)(B)(i). We have reviewed the record and Duncan's brief and find no reversible error in the reasoning set forth by the magistrate judge. Duncan v. Cagle, No. 2:95-CV-0175 (N.D. Tex. April 10, 1996). Further, we find that Duncan's appeal is

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

frivolous, and accordingly, we DISMISS it pursuant to 5th Cir. R. 42.2.

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

Duncan's motion to amend is DENIED.

APPEAL DISMISSED; SANCTION WARNING ISSUED; MOTION DENIED.