

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-10660  
Conference Calendar

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DENNIS R. PADEN,

Plaintiff-Appellant,

versus

KATHLEEN HAWK, Director, BOP;  
CHARLES TURNBO, Regional Director,  
BOP; JOHN DOE, Safety Manager FMC  
Fort Worth; CURTIS MILLS, Electrical  
Foreman FMC, Fort Worth; GEORGE E.  
KILLINGER, Warden, FCI Ft. Worth,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:95-CV-917-A

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August 22, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Dennis Paden, #47044-079, appeals from summary judgment in favor of the defendants. Appellees have filed a motion to dismiss this appeal pursuant to 5th Cir. R. 42.2 because it is frivolous. Appellees argue that the district court did not err

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

in granting summary judgment, dismissing appellant's civil rights action filed pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). The defendants-appellees met their initial burden of showing that there was no genuine issue. Fed. R. Civ. P. 56(e). The burden shifted to appellant to set forth specific facts showing the existence of a genuine issue for trial. Paden's conclusional allegations and unsubstantiated assertions failed to satisfy this burden. Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc). Therefore, the district court did not err in granting summary judgment. Appellant's brief, which repeats these conclusional allegations and unsubstantiated assertions, is frivolous. Accordingly, we GRANT appellee's motion to dismiss the appeal pursuant to 5th Cir. R. 42.2.

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

APPEAL DISMISSED. SANCTION WARNING ISSUED.