

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10762
Conference Calendar

JOHN MCCOY,

Plaintiff-Appellant,

versus

ANN RICHARDS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:95-CV-179
- - - - -

October 24, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

John McCoy, Texas state prisoner #399292, appeals the district court's dismissal, with prejudice, of his civil rights suit pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Although McCoy argues that he was denied access to legal materials and legal assistance to prepare his direct appeal, he has not alleged that he was denied access to the courts. Indeed, he asserts that his appointed counsel prepared and timely filed a brief without

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

McCoy's legal input. McCoy's access-to-the-courts assertion is without merit. See Lewis v. Casey, 116 S. Ct. 2174, 2180 (1996). Through appointed counsel, McCoy was provided the means for ensuring a reasonably adequate opportunity to present his defense. The district court did not abuse its discretion in dismissing McCoy's claim as frivolous because it has no arguable basis in law. See Denton v. Hernandez, 504 U.S. 25, 31-34 (1992).

McCoy's appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. We caution McCoy that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, McCoy is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

McCoy's motion to amend the record with his brief is DENIED.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED; MOTION DENIED.