

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10816
Conference Calendar

RICHARD RIVERA, SR.,

Plaintiff-Appellant,

versus

GURNEY UNIT MEDICAL FACILITY; UNIVERSITY
OF TEXAS MEDICAL BRANCH HOSPITAL,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CV-1364-G
- - - - -

June 17, 1997

Before SMITH, STEWART, and DENNIS, CIRCUIT JUDGES.

PER CURIAM:*

Richard Rivera, Sr., Texas prisoner # 654514, appeals the district court's denial as frivolous of his civil rights complaint under 42 U.S.C. §§ 1982, 1983, and 1988, seeking injunctive and declaratory against the Gurney Medical Unit and the University of Texas Medical Branch Hospital.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Rivera has identified no error in the dismissal of his civil rights complaint. Because Rivera has failed to raise an issue of arguable merit, his appeal is DISMISSED as frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Rivera that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Rivera is cautioned further to review any pending suits and appeals to ensure that they raise issues of arguable merit and do not raise arguments that are frivolous.

Because Rivera's case does not present "exceptional circumstances" warranting it, his motion for appointment of counsel is DENIED. Cooper v. Sheriff, Lubbock County, Tex., 929 F.2d 1078, 1084 (5th Cir. 1991).

APPEAL DISMISSED; SANCTIONS WARNING ISSUED; MOTION FOR APPOINTMENT OF COUNSEL DENIED. 5th Cir. R. 42.2.