

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11324
Conference Calendar

RAPHAEL FOLEY,

Plaintiff-Appellant,

versus

COUNTY OF DALLAS, OFFICER JANE
DOE, OFFICER JOHN DOE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CV-2490-X
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Raphael Foley, prisoner # 96015889, appeals the dismissal of his civil rights complaint as frivolous. He has also filed a motion to amend his brief. The motion is hereby GRANTED. The district court did not abuse its discretion by dismissing Foley's complaint pursuant to 28 U.S.C. § 1915(e)(2) on the basis that it is duplicative and is therefore frivolous. Wilson v. Lynaugh, 878 F.2d 846, 849-50 (5th Cir. 1989).

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

This appeal is without arguable merit and is therefore frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. We caution Foley that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Foley is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

MOTION GRANTED. APPEAL DISMISSED. SANCTION WARNING ISSUED.