

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-11349  
Conference Calendar

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BILLY RAY RISLEY,  
also known as Gordon Peter Amyotte,

Plaintiff-Appellant,

versus

DAVID WILLIAMS, Tarrant County  
Sheriff; DAVID EDGEWORTH, Dr.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:95-CV-68-Y  
- - - - -

August 14, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Billy Ray Risley (also known as Gordon Peter Amyotte), Texas prisoner # 715659, moves this court for the appointment of counsel on appeal and for discovery. As Risley has shown the capacity to prosecute this appeal, appointed counsel is DENIED. *Branch v. Cole*, 686 F.2d 264, 266 (5th Cir. 1982). Risley's motion for belated discovery is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We dispense with further briefing because we have reviewed the record and the district court's opinion, which includes detailed findings of fact, and determined that Risley's sole appellate contention--that the district court erred in granting summary judgment against him--is legally meritless. See *Clark v. Williams*, 693 F.2d 381, 382 (5th Cir. 1982) (we may dispose of an appeal on the merits on a motion for IFP). Therefore, Risley's appeal is DISMISSED as frivolous. See 5TH CIR. R. 42.2.

Risley is cautioned that any future frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. Risley is cautioned further to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; MOTIONS DENIED; SANCTION WARNING ISSUED.