

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-11417  
Conference Calendar

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CEVERO GONGORA CASTILLO,

Plaintiff-Appellant,

versus

TEXAS BOARD OF PARDONS & PAROLES;  
A. O'BRYAN, Supv. Off.

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3-96-CV-2430-D  
- - - - -

June 18, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Cevero Gongora Castillo, #498841, appeals the dismissal of his § 1983 action as frivolous pursuant to 28 U.S.C. § 1915(e)(2). Castillo's challenge to his place of confinement lacks an arguable basis in law, and his challenge to the fact of his confinement is not cognizable in a § 1983 action. See Meachum v. Fano, 427 U.S. 215, 224-25 (1976); Jackson v. Vannoy,

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

49 F.3d 175, 177 (5th Cir. 1995). The district court did not err in dismissing the action as frivolous pursuant to § 1915(e)(2). See Neitzke v. Williams, 490 U.S. 319, 325 (1989).

This appeal is frivolous and is hereby dismissed. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Castillo that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Castillo is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.