

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30245  
Conference Calendar

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LIONELL J. DAVIS,

Plaintiff-Appellant,

versus

RICHARD L. STALDER, Warden; C. MARTIN LENSING, Warden;  
R. NORTH; L. THOMPSON; J. ST. ROMAIN; R. WEBRE;  
UNKNOWN MARCHAND; UNKNOWN JOHNSON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 95-CV-1819A-2  
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Lionell J. Davis (#118554) appeals the district court's sua sponte order granting summary judgment for the defendants. Davis contends that his pleadings raise a valid excessive-force claim. For reasons expressed by the district court, we hold that this appeal is without arguable merit and is frivolous. See Hudson v. McMillian, 503 U.S. 1, 6-7 (1992). Because it is frivolous, the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

appeal is DISMISSED. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. Davis is warned that any future frivolous filing will invite the imposition of sanctions. To avoid sanctions, Davis should review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.