

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30771

ELTON DEVILLE,

Plaintiff-Appellant,

versus

FALCO LIME, INC.; CRAIG W. MARKS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CV-379
- - - - -

February 19, 1997

Before KING, JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that the application of Elton Deville for leave to file his brief in its present form is GRANTED.

IT IS FURTHER ORDERED that Deville's motion for leave to proceed in forma pauperis (IFP) is DENIED, because his appeal lacks arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is DISMISSED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

See 5th Cir. R. 42.2. The district court did not err by granting summary judgment to the appellees on Deville's claims that they obtained other judgments against him by improper means.

We caution Deville that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions Deville is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.