

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-31241
Conference Calendar

RAYMOND ROCHON,

Plaintiff-Appellant,

versus

BURL CAIN, Warden;
RICHARD L. STALDER;
EDWIN EDWARDS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 95-CV-1701
- - - - -

December 10, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Raymond Rochon, Louisiana prisoner # 93625, filed an action pursuant to 42 U.S.C. § 1983 against various employees of the Louisiana Department of Public Safety and Corrections alleging that prison officials were failing to protect him from his enemies. The district court dismissed the action as frivolous under 28 U.S.C. § 1915(e) and we review the dismissal for abuse of discretion. Denton v. Hernandez, 504 U.S. 25, 31-33 (1992)

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The fact that Washington attacked Rochon in 1988 does not establish that Rochon was in any current danger from Washington. The prison officials have continued to house the two inmates in different facilities, with the only lapse in the separation being that Washington came to Angola to play ball. Rochon does not allege that Washington attacked him or had any contact with him at that time. Accordingly, the factual allegations in Rochon's complaint do not give rise to a claim of deliberate indifference to his safety. See Neals v. Norwood, 59 F.3d 530, 533 (5th Cir. 1995); Farmer v. Brennan, 511 U.S. 825, 837 (1994).

This appeal is without arguable merit and is thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). We caution Rochon that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Rochon is cautioned further to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED. 5TH CIR. R. 42.2.