

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40030  
Summary Calendar

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RODNEY J. GIBSON,

Plaintiff-Appellant,

versus

UNIDENTIFIED SHAW, Warden at Coffield Unit;  
UNIDENTIFIED CARR, CO III at Coffield Unit;  
UNIDENTIFIED ALLAN, CO III at Coffield Unit;  
UNIDENTIFIED WILCOX, Sgt. at Coffield Unit;  
TDC DIRECTOR, James A. Collins,

Defendants-Appellees.

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Appeal from the United States District Court for the  
Eastern District of Texas

(6:94-CV-129)

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August 7, 1996

Before GARWOOD, JOLLY and DENNIS, Circuit Judges.\*

PER CURIAM:

Rodney J. Gibson, #598104, appeals the judgment of the district court dismissing his civil rights action with prejudice. He argues that the district court should have considered his

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\*Pursuant to Local Rule 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

objections to the magistrate judge's report and recommendation following the evidentiary hearing, he was not given proper notice of the evidentiary hearing, and Defendant Carr was not entitled to qualified immunity. We have reviewed the record and Gibson's brief and conclude that Gibson has not demonstrated any error that deprived him of his due process right of notice of the evidentiary hearing. See *Rodriguez v. Bowen*, 857 F.2d 275, 276-77 (5th Cir. 1988). The motion for injunctive relief is DENIED.

The appeal is without arguable merit and thus frivolous. See *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. We caution Gibson that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Gibson is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this Court.

APPEAL DISMISSED. SANCTION WARNING ISSUED.