

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40445

JAMES RILEY CORNETT, JR.,

Plaintiff-Appellant,

versus

W.K. LONGOIS; Orange city Police Department;
K.C. BREASHERS; DONALD MACDONALD; MARVIN HELMS,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(1:93-CV-361)

January 7, 1997

Before SMITH, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM*:

Texas prisoner James Riley Cornett, Jr., No. 03495-078, seeks to appeal (styled "Interlocutory") a partial final judgment entered in December 1994 (the parties consent to trial before the magistrate judge pursuant to 28 U.S.C. § 636(c)), and the denial of a "Motion to Invoke Pendent Jurisdiction", a motion for service of

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

process, and two discovery motions. Cornett's remaining claims have yet to be tried.

The December 1994 order has been previously appealed to this court and dismissed for lack of jurisdiction. The underlying facts have not changed, and the second appeal is frivolous. The appeal from the denial of motions is premature, as that denial does not constitute a final judgment and Cornett has not satisfied an exception to this requirement. Accordingly, jurisdiction to review these denials is lacking. See e.g., *Dardar v. Lafourche Realty Co.*, 849 F.2d 955, 957 (5th Cir. 1988). Accordingly, we need not reach the applicability of the Prison Litigation Reform Act.

We warn Cornett that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, he is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

DISMISSED; SANCTIONS WARNING ISSUED