

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40464
Conference Calendar

WILLIE JOE LANE, JR.,

Plaintiff-Appellant,

versus

JEFFERSON COUNTY SHERIFF DEPARTMENT,
JEFF CHADNEY, RUDY SALERUANOS, PATRICK WEST,
HARRY F. WILLIAMS, MILTON ABSHIRE, JAMES COLLINS,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:94-CV-481
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Willie Joe Lane, Jr., # 684696, appeals the dismissal of his civil rights suit following a jury trial in which he alleged an unconstitutional use of excessive force by the defendants. Lane argues that the jury's verdict is contrary to the weight of the evidence. Credibility determinations are the sole province of the jury; because Lane has failed to show that the record does

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not support the verdict, the verdict must be accepted. See Martin v. Thomas, 973 F.2d 449, 453 (5th Cir. 1992).

Lane's motion for appointment of appellate counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

This appeal is without arguable merit and is therefore frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. We caution Lane that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Lane is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. SANCTION WARNING ISSUED.