

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-40668  
Conference Calendar

---

WILLIAM LEE,

Plaintiff-Appellant,

versus

JACK M. GARNER, Warden of Telford Unit;  
KAREN BROWN, Lieutenant at Telford Unit;  
ZALDA G. GLASS,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 5:96-CV-162  
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

William Lee, Texas inmate #721936, appeals the dismissal as frivolous of his civil rights complaint. He argues that the defendants' acts amounted to the denial of his right of access to the courts, the defendants were required by Texas statute to comply with his request for information, and, for the first time on appeal, the defendants' failure to supply the requested

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

information amounted to the suppression of exculpatory evidence and violation of Federal Rules of Criminal Procedure.\*\* We have carefully reviewed the appellate record. For essentially the same reasons as relied upon by the district court in its order of dismissal, see Lee v. Garner, No. 5:96cv162 (E.D. Tex. July 2, 1996), we conclude that the district court did not abuse its discretion in dismissing the complaint as frivolous. See Denton v. Hernandez, 504 U.S. 25, 33 (1992).

The appeal is without arguable merit and thus frivolous. See 5th Cir. R. 42.2. We caution Lee that any additional frivolous appeal filed by him will invite the imposition of sanctions. To avoid sanctions, Lee is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous. All pending motions are DENIED.

APPEAL DISMISSED. SANCTION WARNING ISSUED. MOTIONS DENIED.

---

\*\* This last argument is patently frivolous and does not amount to plain error. See Highlands Ins. v. National Union Fire Ins., 27 F.3d 1027, 1031-32 (5th Cir. 1994) (applying plain-error standard in civil case to issue raised for the first time on appeal), cert. denied, 115 S. Ct. 903 (1995).