

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41038
Conference Calendar

ERBEY FLORES,

Plaintiff-Appellant,

versus

TRACII SHAVERS; SAMUEL SEALS;
DOYLE B. MCELVANEY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-95-CV-453
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Erbey Flores, Texas state prisoner # 574931, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). He argues that the court improperly dismissed his retaliation claim. We have carefully reviewed the record and Flores's brief. Essentially for reasons set forth by the district court, Flores v. Shavers, No. G-95-453 (S.D. Tex. Sept. 30, 1996)(unpublished),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

we hold that Flores has failed to demonstrate that the district court abused its discretion in dismissing the complaint as frivolous.

Flores's appeal is without merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2. Flores is cautioned that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Flores is cautioned further to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.