

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50038
(Summary Calendar)

ALBERT F. PERALTA,

Plaintiff-Appellant,

versus

LLOYD BENTSON; INTERNAL
REVENUE SERVICE; DEPARTMENT
OF THE TREASURY,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(A-95-CV-747)

April 17, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Proceeding pro se, Plaintiff-Appellant Albert F. Peralta sought to assert employment discrimination claims against Defendants-Appellees. The magistrate judge to whom the case was referred by

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

the district court recommended granting Peralta's motion to proceed in former pauperis (IFP), denying Peralta's motion for appointment of counsel, and dismissing all claims with prejudice. Over the objections of Peralta, the district court approved the report of the magistrate judge and the recommendations set forth therein, and dismissed Peralta's claims as frivolous pursuant to 28 U.S.C. § 1915(d) with prejudice. Peralta timely appealed.

We have reviewed the record and the document filed with this court by Peralta which, we assume, purports to be an appellate brief. That filing fails entirely to comply in either form or substance with the requirements for a brief to this court and is thus insufficient to support appellate review. Moreover, our review of that document and the scant but sufficient record in these proceedings demonstrates beyond cavil that Peralta presented nothing to the district court that, no matter how liberally construed, could form the basis for a claim with any arguable basis in fact or law, or any likelihood of success. Consequently, Peralta's appeal is dismissed with prejudice as wholly without merit and frivolous as a matter of law. Moreover, Peralta is cautioned that any further efforts on his part to pursue the subject matter of this case in any federal court within this circuit may subject him to sanctions.

DISMISSED.