

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50116  
Conference Calendar

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MITCHEL PITRE,

Plaintiff-Appellant,

versus

J. TOMMIE; N. ARMSTRONG; JUAN R. PASENO;  
JUAN F. GAYTAN,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-96-CV-34  
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Mitchel Pitre, no. 593925, appeals the dismissal of his prisoner civil rights complaint as frivolous. Pitre contends that he was a victim of sex discrimination due to the removal of female guards from his pod in administrative segregation; that the conditions of his confinement violated the Eighth Amendment due to the occasional denial of showers, clean clothes, clean

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sheets, and breakfast trays; that his rights were violated because the prisoners on his pod were labeled troublemakers and "mess-ups"; that defendant Brysch conspired with the other defendants to deprive him of access to the courts; and that the district court erred by imposing costs on him.

We have reviewed the record, Pitre's brief, and the district court's order and we have found no reversible error. Regarding all of Pitre's claims other than his conditions-of-confinement contention, we find the appeal from the dismissal of those claims frivolous for essentially the reasons relied upon by the district court. See *Pitre v. Tommie*, no. SA-96-CA-034 (W.D. Tex. Jan. 22, 1996). Regarding Pitre's conditions-of-confinement contention, the deprivations of which he complains were occasional and de minimis and therefore did not infringe on his constitutionally protected rights. *Ammons v. Baldwin*, 705 F.2d 1445, 1448 (5th Cir. 1983), *cert. denied*, 465 U.S. 1006 (1984). Because the appeal is frivolous, it is dismissed.

We caution Pitre that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Pitre is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they previously have been decided by this court.

Finally, because Pitre's appeal is frivolous, his motion for a protective order is DENIED.

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APPEAL DISMISSED. 5TH CIR. R. 42.2. SANCTIONS WARNING  
ISSUED.