

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50275  
Conference Calendar

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JOE E. PERRYMAN,

Plaintiff-Appellant,

versus

EDWARD C. PRADO, Judge,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 94-CV-350

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August 22, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:\*

Joe E. Perryman appeals the district court's denial of his motion for relief from judgment or order pursuant to Fed. R. Civ. P. 60(b). Perryman has not shown that the district court's denial of his Rule 60(b) motion was "so unwarranted as to constitute an abuse of discretion." Seven Elves, Inc. v. Eskenazi, 635 F.2d 396, 402 (5th Cir. 1981).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Perryman's appeal is without an arguable basis in fact or law and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, Perryman's appeal is DISMISSED AS FRIVOLOUS. See 5th Cir. R. 42.2. Perryman's motions are DENIED.

We previously warned Perryman in Perryman v. Hudspeth, No. 95-50907 (5th Cir. June 25, 1996), that further frivolous appeals would invite the imposition of sanctions. Accordingly, Perryman is barred from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court or of this court; the clerk of this court and the clerks of all federal district courts in this Circuit are directed to return to Perryman, unfiled, any attempted submission inconsistent with this bar.

APPEAL DISMISSED; SANCTION IMPOSED.