

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50553  
Conference Calendar

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ALFRED LEE STONE,

Plaintiff-Appellant,

versus

GREGORY BYRD, Correctional Officer;  
JAMES A. COLLINS, Director,  
Texas Department of Criminal Justice,  
Institutional Division,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-96-CV-67  
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that (#599665) Alfred Lee Stone's motion for leave to proceed in forma pauperis (IFP) is DENIED, because his appeal lacks arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). The district court did not err by holding that Stone's claims are

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

barred by the doctrine of res judicata. See Travelers Ins. Co. v. St. Jude Hosp. of Kenner, La., 37 F.3d 193, 195 (5th Cir. 1994), cert. denied, 115 S. Ct. 1696 (1995). Because the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is DISMISSED. See 5th Cir. R. 42.2.

We caution Stone that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Stone is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP DENIED; MOTION FOR TEMPORARY SAFEKEEPING DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.