

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50689  
USDC No. A-93-CV-310

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STEPHEN C. KUHNS, Individually and as next  
friend of Jesse Kuhns, et al.,

Plaintiffs,

STEPHEN C. KUHNS, Individually and as next  
friend of Jesse Kuhns,

Plaintiff-Appellant,

versus

TEAM BANK, doing business as Bank One,

Defendant-Appellee,

FEDERAL DEPOSIT INSURANCE CORPORATION,  
as Receiver for Bank of the Hills Austin,

Intervenor-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
- - - - -

February 4, 1997

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that Stephen C. Kuhns's motion for leave to  
proceed in forma pauperis (IFP) is DENIED, because his appeal

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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that this opinion should not be published and is not precedent  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.

lacks arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is DISMISSED. See 5th Cir. R. 42.2. The district court did not abuse its discretion by denying Kuhns's Fed. R. Civ. P. 60(b) motion, and he failed to file a notice of appeal relative to the district court's sanction order. See Fed. R. App. P. 3(c).

IT IS FURTHER ORDERED that Kuhns's motions for appointment of counsel and preparation of the trial transcript at government expense are DENIED.

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

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.