

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50703
Summary Calendar

RODNEY LEE McDOWELL,

Petitioner-Appellant,

versus

WILLIAM H. BROOK,

Respondent-Appellee.

Appeal from the United States District Court for the
Western District of Texas
USDC No. A-96-CA-125

January 22, 1997
Before GARWOOD, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Rodney Lee McDowell appeals the district court's dismissal of his 42 U.S.C. § 1983 suit, which the court below construed as a request for relief under 28 U.S.C. § 2241. Neither federal habeas nor a civil rights suit offer McDowell any remedy. See Orellana v. Kyle, 65 F.3d 29, 31 (5th Cir. 1995), cert. denied, 116 S.Ct. 736 (1996); Thomas v. Torres, 717 F.2d 248, 248-49 (5th Cir. 1983), cert. denied, 456 U.S. 1010 (1984). Thus, assuming the certificate

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

of appealability ("COA") requirement applies and that McDowell's notice of appeal is an implicit request for such (see FED. R. APP. P. 22(b)), a COA is DENIED.

McDowell's appeal is frivolous and is DISMISSED. 5TH CIR. R. 42.2.

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

COA DENIED; APPEAL DISMISSED; SANCTIONS WARNING ISSUED.