

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50906  
Conference Calendar

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BENNIE FINISTER,

Plaintiff-Appellant,

versus

THON WILEY NICHOLS, Guard of  
Texas Department of Criminal  
Justice; ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-95-CV-345  
- - - - -

April 8, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

The motion filed by Bennie Finister, Texas state prisoner #649506, for leave to proceed in forma pauperis on appeal is DENIED. Finister has failed to identify a nonfrivolous issue for appeal. The district court did not err in certifying that an appeal would be frivolous. Accordingly, the appeal is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); Baugh v. Taylor, 117 F.3d 197, 202 n.24 (5th Cir. 1997);

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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5th Cir. R. 42.2. We caution Finister that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Finister is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP MOTION DENIED; APPEAL DISMISSED; SANCTION WARNING  
ISSUED.