

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60288
Conference Calendar

LARRY RUFFIN,

Plaintiff-Appellant,

versus

RAYMOND ROBERTS, Superintendent,
Mississippi State Penitentiary,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:95CV178-B-D
- - - - -

August 21, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Larry Ruffin, Mississippi inmate #34467, appeals the dismissal as frivolous of his civil rights complaint. Ruffin's motion for the appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212-13 (5th Cir. 1982).

Ruffin argues that the prison officials did not have the authority to change his classification, he cannot be held in

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

close confinement for more than 180 days, and his placement in close confinement was improper because at the disciplinary hearing, the basis of Ruffin's reclassification, hearsay evidence was used to find him guilty of the rule infraction. We have carefully reviewed the arguments and the appellate record. We conclude that the district court did not abuse its discretion in dismissing the complaint as frivolous. See Sandin v. Conner, 115 S. Ct. 2293, 2300 (1995); Denton v. Hernandez, 504 U.S. 25, 33 (1992).

This appeal is without arguable merit and is thus frivolous. Because it is frivolous, it is DISMISSED. See 5th Cir. R. 42.2. We caution Ruffin that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Ruffin is further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. MOTION DENIED. SANCTION WARNING ISSUED.