

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60299
Conference Calendar

GARY LEE MOORE,

Plaintiff-Appellant,

versus

EDWARD HARGETT; HOWARD O. DAVIS, JR.,
Circuit Court Judge,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:93-CV-203-S-D
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Mississippi state prisoner Garry Lee Moore, #65396/46504, appeals the district court's grant of summary judgment in favor of the defendants, arguing that his constitutional rights were violated when he was denied funds to pay for the cost of his state-court civil appeal. As Moore has failed to allege a valid basis for maintaining a 42 U.S.C. § 1983 claim against the defendants, see Nickens v. Melton, 38 F.3d 183, 185 (5th

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Cir. 1994), cert. denied, 115 S. Ct. 1376 (1995), the district court properly granted summary judgment in their favor.

Moore's appeal is frivolous and is DISMISSED. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); see 5th Cir. R. 42.2. We caution appellant that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, appellant is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.