

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60362
Conference Calendar

PHILLIP STOKES,

Plaintiff-Appellant,

versus

EDWARD M. HARGETT; EDDIE LUCAS;
MADALYN THOMAS; SHARON MCFADDEN;
GRAY EVANS; LARRY HARDY; STAN ROBINSON;
RICKY MCCARTY; LYNN WARREN;
DORIS CALHOUN,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:95-CV-182-D-A
- - - - -

August 20, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Phillip Stokes (Mississippi prisoner # 63917) appeals from the district court's dismissal of his suit as precluded by the doctrine of *res judicata*; nevertheless, he has abandoned any challenge to the district court's reasons for dismissal by

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

failing to brief it on appeal. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Brinkmann v. Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Stokes does argue that the district court erred by not conducting a hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985). A *Spears* hearing is neither required nor necessary. Stokes's appeal is frivolous and is DISMISSED as such. 5TH CIR. R. 42.2.

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

APPEAL DISMISSED; SANCTION WARNING ISSUED.