

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60380
Conference Calendar

RICKEY DALE MESHELL,

Plaintiff-Appellant,

versus

EDDIE LUCAS, COMMISSIONER, MISSISSIPPI
DEPARTMENT OF CORRECTIONS, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:94-CV-168-S-B
- - - - -

October 24, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Rickey Dale Meshell, Mississippi inmate #49979, appeals the dismissal, without prejudice, as frivolous of his civil rights complaint. Meshell argues that the district court abused its discretion in dismissing the appeal for the following reasons: Meshell was entitled to the procedural protections of Wolff v. McDonnell, 418 U.S. 539, 564-66 (1974); Meshell's punishment of

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.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 is atypical from the ordinary incidents of prison life and thus distinguishable from Sandin v. Conner, 115 S. Ct. 2293, 2300 (1995); and the district court erred by dismissing the suit before service. 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 Denton v. Hernandez, 504 U.S. 25, 33 (1992).

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

APPEAL DISMISSED. SANCTION WARNING ISSUED.