

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10297  
Conference Calendar

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TERRY GALE PARNELL,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director, Texas  
Department of Criminal Justice,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:96-CV-204-C  
- - - - -

August 14, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Texas state prisoner Terry Gale Parnell, No. 641594, filed a pro se, in forma pauperis (IFP) 42 U.S.C. § 1983 action against Wayne Scott, the Director of the Texas Department of Criminal Justice (TDCJ), complaining that his sentence had not been properly computed to reflect the amount of time he spent in a halfway house prior to his return to prison. Parnell requests

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

that his sentence be credited for that time. This complaint calls into question the validity of his sentence. His only remedy lies in a petition for habeas corpus. Heck v. Humphrey, 577 U.S. 477, 487 (1994); Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). The district court did not err by dismissing Parnell's action.

Because Parnell has failed to raise an issue of arguable merit on appeal, the appeal is dismissed as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. Parnell is warned that any additional frivolous appeals filed will invite the imposition of sanctions, and he is further cautioned, in order to avoid sanctions, to review all pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.