

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10405  
Conference Calendar

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FRENANDO RAY TAYLOR,

Plaintiff-Appellant,

versus

CECIL G. PURYEAR;  
WALTON ELMER WILLIAMSON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 5:96-CV-94  
- - - - -

August 18, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Frenando Ray Taylor, Texas prisoner # 535001, appeals the judgment of the district court construing his pleadings as a complaint brought under 42 U.S.C. § 1983 and dismissing the complaint as frivolous. Taylor argues that the district court erred in not addressing his contentions concerning the recusal of a state trial judge in a state court proceeding.

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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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Section 1983 is not a proper avenue to pursue the recusal of a state-court judge. The district court did not abuse its discretion in dismissing the action as frivolous. See Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992).

Taylor's appeal too is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. We warn Taylor that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Taylor is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.