

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-10429  
Conference Calendar

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REID DARWIN PHELPS, JR.,

Plaintiff-Appellant,

versus

LEE HANEY, HONORABLE,  
DISTRICT ATTORNEY 35TH JUDICIAL COURT,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:97-CV-43-C  
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Reid Darwin Phelps, Jr., Texas inmate # 824168, appeals the dismissal of his civil rights complaint as frivolous, pursuant to 28 U.S.C. § 1915A. He argues that he was denied access to the courts. We have reviewed Phelps's brief and the record and agree with the reasoning set forth by the district court. Phelps v. Haney, No. 6:96-CV-043-C (N.D. Tex. April 18, 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Phelps's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2. Phelps is warned that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Phelps should review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.