

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-20847
Summary Calendar

FRANK E. LITTLE,

Plaintiff-Appellant,

versus

HOUSTON CITY JAIL et al.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-1073
- - - - -

April 5, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Frank E. Little moves this court for permission to file his appellate brief out-of-time. The motion is GRANTED. Little has also filed motions to appeal in forma pauperis (IFP) and for appointment of appellate counsel. The appellees ask the court to strike Little's appellate brief, to reconsider an order reinstating this appeal, and to dismiss the appeal.

"If upon the hearing of any interlocutory motion . . . it shall appear to the Court that the appeal is frivolous and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

entirely without merit, the appeal will be dismissed." 5TH CIR. R. 42.2.

Our review of Little's appellate brief convinces us that his appeal should be dismissed because it lacks arguable legal merit. Little's arguments concerning the dismissal of certain out-of-state defendants are frivolous, as are his arguments concerning the magistrate judge's handling of a status conference. Little does not challenge the district court's dismissal of his claims against the remaining defendants based on Little's refusal to comply with an order to amend his pleadings to plead his case with greater specificity.

Accordingly, Little's motions to proceed IFP on appeal and for appointment of counsel are DENIED, the appellees' motion to dismiss is GRANTED, and the appeal is DISMISSED AS FRIVOLOUS. 5TH CIR. R. 42.2. The appellees' motions to strike Little's brief and for reconsideration of the reinstatement of the appeal are DENIED AS MOOT. We caution Little that any additional appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Little should review any pending appeals to ensure that they do not raise arguments that are frivolous.

MOTION TO FILE BRIEF OUT-OF-TIME GRANTED; MOTIONS FOR IFP AND APPOINTMENT OF COUNSEL DENIED; APPEAL DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED; MOTIONS TO STRIKE BRIEF AND FOR RECONSIDERATION DENIED AS MOOT.