

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-21009
Conference Calendar

RODNEY W. DAVIS,

Plaintiff-Appellant,

versus

ROBERT D. BOYD; JAMES A. SIMPSON, Captain,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-97-0885
- - - - -
December 10, 1998

Before DAVIS, DeMOSS and STEWART, Circuit Judges.

PER CURIAM:*

Rodney W. Davis, Texas prisoner # 379788, appeals the district court's dismissal of his 42 U.S.C. § 1983 civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Davis argues that Boyd's actions in refusing to allow him to appear at his disciplinary hearing and to present a written statement violated due process. He argues that Simpson violated due process by placing him in pre-hearing detention without written reasons. We have reviewed the record and the district court's opinion and find that the district court did not abuse

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

its discretion in dismissing Davis's complaint as frivolous. Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997). Further, we hold that Davis'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.

We caution Davis that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Davis is cautioned further to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED.