

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40089
Conference Calendar

LARRY JOE JONES,

Plaintiff-Appellant,

versus

WES RIVERS,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
UDC No. 9:96-CV-126
- - - - -

December 9, 1997

Before BARKSDALE, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Texas state prisoner Larry Joe Jones, no. 621238, appeals the district court's denial of his request for writ of mandamus pursuant to 28 U.S.C. § 1361, to order Assistant United States Attorney Wes Rivers to investigate Jones' allegations of federal civil rights violations by prison officials.

The decision whether to investigate and arrest and prosecute officials for alleged violations of state prison inmates' federal civil rights is left to the discretion of the United States

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Attorney. Inmates of Attica Correctional Facility v. Rockefeller, 477 F.2d 375, 379-81 (2nd Cir. 1973); United States v. Cox, 342 F.2d 167, 171 (5th Cir. 1965) (en banc). Thus, mandamus is not available to review Rivers' discretionary decision not to investigate Jones' allegations of federal civil rights violations. See Giddings v. Chandler, 979 F.2d 1104, 1108 (5th Cir. 1992).

Jones' appeal is without arguable merit and is, accordingly, DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

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

APPEAL DISMISSED; SANCTION WARNING ISSUED.