

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31220
Summary Calendar

LARRY E. CLARK; ET AL,

Plaintiffs,

LARRY E. CLARK,

Plaintiff-Appellant,

versus

STATE OF LOUISIANA, on behalf of Louisiana Department of
Transportation and Development; CHARLES E. SOILEAU; BERTRAND &
SOILEAU; FRANK DENTON; MIKE FOSTER; CADDO PARISH COMMISSION; POLICE
JURY OF CADDO PARISH; MANGHAM & DAVIS; WILLIAM SUSSMAN,

Defendants-Appellees.

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Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 98-CV-1753
- - - - -

June 11, 1999

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:¹

Pro se litigant Larry Clark requests this court's permission to appeal in forma pauperis in this case, which was recently removed from state court. This court lacks appellate jurisdiction because the record shows that no federal judgment has been entered in the case. 28 U.S.C. §§ 1291, 1292.

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

"If upon the hearing of any interlocutory motion . . . it shall appear to the Court that the appeal is frivolous and entirely without merit, the appeal will be dismissed." 5TH CIR. R. 42.2.

As no judgment appealable to this court has been entered in this case, we conclude that the appeal lacks arguable legal merit. Clark's motion to proceed IFP on appeal is DENIED and the appeal is DISMISSED AS FRIVOLOUS. 5TH CIR. R. 42.2. We caution Clark that any additional appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Clark should review any pending appeals to ensure that they do not raise arguments that are frivolous.

MOTION FOR IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED.