

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60219
Summary Calendar

JAMES BERNARD LAWSON,

Plaintiff-Appellant,

versus

JERRY BLANKENSHIP, Detective,
Clinton Police Department,
Clinton, Mississippi; WILLIAM J. JOHNSON,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC Nos. 3:93-CV-654 & 3:93-CV-314
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November 3, 1995
Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

This is the appeal of the grant of summary judgment for Jerry Blankenship and Judge William J. Johnson in the appellant's civil rights action against them. The appellant contends that the magistrate judge erred by granting summary judgement without giving him adequate notice; holding Johnson absolutely immune from suit; holding Blankenship qualifiedly immune; failing to

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

address his conspiracy contentions; granting summary judgment before the defendants responded to his interrogatories; and improperly inducing him to waive his right to a jury trial. He also contends that the magistrate judge was biased against him.

The appeal is frivolous. First, we have reviewed the record and the district court's opinion and find no reversible error regarding the immunity of Blankenship and Johnson. Second, Johnson and Blankenship gave the appellant adequate notice of their summary judgment motion when they served the motion on him. FED. R. CIV. P. 56(c); see *Emplanar, Inc. v. Marsh*, 11 F.3d 1284, 1293 n.11 (5th Cir.), *cert. denied*, 115 S. Ct. 312 (1994). Third, the magistrate judge's failure to address conspiracy contentions was harmless error. The appellant has failed to brief adequately any underlying substantive constitutional violations for appeal, see *Pfannsteil v. City of Marion*, 918 F.2d 1178, 1187 (5th Cir. 1990), and thus could not prevail on appeal on his conspiracy contentions even had the magistrate judge considered them. Fourth, Blankenship and Johnson responded to the interrogatories. The contention regarding those interrogatories therefore lacks a factual basis. Fifth, because the magistrate judge granted summary judgment, the contention regarding waiver of his right to trial is moot. *Rocky v. King*, 900 F.2d 864, 867 (5th Cir. 1990). Sixth, the appellant has not demonstrated that the magistrate judge was biased against him.

Finally, Lawson previously has been warned by this court that he may be sanctioned for filing further frivolous pleadings.

Accordingly, he is barred from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court or of this court; the clerk of this court and the clerks of all federal district courts in this Circuit are directed to return to Lawson, unfiled, any attempted submission inconsistent with this bar.

APPEAL DISMISSED. See 5TH CIR. R. 42.2.