

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40447
Conference Calendar

KELJER KING,

Plaintiff-Appellant,

versus

WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE, INSTITUTIONAL
DIVISION; UNIDENTIFIED TROUT, Doctor,
Coffield Unit; KEITH J. PRICE, Warden,
Coffield Unit; WINDHAM SCHOOL DIRECTOR,
Texas Department of Criminal Justice,
Institutional Division; GEORGE BUSH, JR,
Governor, State of Texas; NOEL J. WINNER,
LT, Law Library,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:97-CV-44
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Keljer King appeals the dismissal of his 42 U.S.C. § 1983
action as frivolous. The claim that a constitutional violation
results when inmates in a higher classification status receive
greater privileges was rejected by this court in Mikeska v.

* 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that this opinion should not be published and is not precedent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.

Collins, 900 F.2d 833, 837 (5th Cir. 1990), opinion withdrawn and superseded on rehearing and reinstated in part by, 928 F.2d 126 (5th Cir. 1991). Appellant's race discrimination claim is general and conclusory and without factual support; it is therefore insufficient to sustain a § 1983 lawsuit. See Whittington v. Lynaugh, 842 F.2d 818, 821 (5th Cir. 1988). The district court did not err in dismissing the complaint as frivolous.

This appeal is frivolous and is therefore dismissed. We caution King that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, King is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED. 5th Cir. R. 42.2.