

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

June 13, 2022

Lyle W. Cayce
Clerk

No. 21-30141
Summary Calendar

JOSEPH SIMMONS, JR.,

Plaintiff—Appellant,

versus

CORNEL JACKSON; PAUL D. CONNICK, JR.; RISK MANAGEMENT
DEPARTMENT, JEFFERSON PARISH,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:20-CV-873

Before SMITH, OLDHAM, and WILSON, *Circuit Judges.*

PER CURIAM:*

Joseph Simmons, Jr. seeks leave to appeal in forma pauperis (IFP) the dismissal of his civil action arising from a 2013 auto accident. Two prior state court actions arising from the same accident were previously dismissed.

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-30141

The district court dismissed Simmons's instant claims under Federal Rule of Civil Procedure 12(b)(6) and 28 U.S.C. § 1915(e)(2)(B). The court correctly ruled that Simmons's claim against Paul Connick, Jr. was based on an inapplicable provision of the Louisiana Constitution and thus frivolous, that "Risk Management Department" was not an entity capable of being sued, and that Simmons otherwise failed to state a claim against Jackson, Connick, and Jefferson Parish. Because Simmons fails to present any nonfrivolous issue for appeal, his IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See* 28 U.S.C. § 1915(e)(2)(B); *Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5TH CIR. R. 42.2.

Simmons is WARNED that the future filing of frivolous actions or appeals may result in sanctions, including monetary sanctions and limits on his access to this court and any court subject to this court's jurisdiction.