

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30328
Conference Calendar

RAYMOND SIMMONS,

Plaintiff-Appellant,

versus

TWIN CITY TOWING; CITY OF SHREVEPORT,
Code Enforcement,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 00-CV-2595
- - - - -

August 22, 2001

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

PER CURIAM:*

Raymond Simmons appeals from the district court's dismissal as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) of his civil right complaint brought pursuant to 42 U.S.C. § 1983. Simmons has failed to show that the district court abused its discretion by dismissing his claims as frivolous based on the doctrine of res judicata. See Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997); Russell v. SunAmerica Sec., Inc., 962 F.2d 1169, 1172 (5th Cir. 1992). Simmons' appeal is without merit,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and it is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2. Because of Simmons' continuing frivolous relitigation of the same claims, we caution Simmons of this court's authority to impose sanctions upon parties who take frivolous appeals. Simmons' motion for an expedited appeal is DENIED.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED; MOTION DENIED.