

August 13, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 03-40317  
Summary Calendar

---

ROQUE ARANDA,

Plaintiff-Appellant,

versus

THOMAS PRASIFKA, Warden;  
JOANN DAVIS; ROSEMARY HEINSOHN,

Defendants-Appellees.

-----  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-02-CV-436  
-----

Before JONES, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Roque Aranda, Texas prisoner # 805045, appeals the district court's dismissal of his civil rights lawsuit pursuant to 42 U.S.C. § 1983. The district court dismissed the suit because Aranda failed to comply with a sanction order issued by another district court within the same district which required Aranda to pay a monetary sanction and to obtain judicial approval prior to submitting any filings to the clerk of the court for the Southern District of Texas.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not abuse its discretion in dismissing the suit for failure to comply with the sanction order. Balawajder v. Scott, 160 F.3d 1066, 1068 (5th Cir. 1998). Aranda argues that he paid the monetary sanction, but he failed to comply with the requirement to obtain judicial approval prior to filing his suit. See id.

This appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2.

Aranda is subject to the three-strikes bar of 28 U.S.C. § 1915(g). See Aranda v. Simpson, No. 01-20064, at 2 (5th Cir. June 13, 2001) (unpublished). While this appeal was pending, this court warned Aranda that the filing of frivolous pleadings would invite the imposition of sanctions. See Aranda v. Texas Bd. of Pardons and Parole, No. 03-40202, at 2 (5th Cir. May 6, 2003) (unpublished). To avoid sanctions for any matter that may be pending, Aranda should review all pending matters and move to voluntarily dismiss any that are frivolous.

APPEAL DISMISSED, SANCTION WARNING ISSUED.