

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8904
Conference Calendar

RONALD DAVID LUDWIG,

Plaintiff-Appellant,

versus

BOB L. THOMAS, Chief Justice,
Tenth Court of Appeals, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. W-93-CA-391
- - - - -

(May 17, 1994)

Before HIGGINBOTHAM, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

BY THE COURT:

Ronald David Ludwig's appeal is frivolous for three reasons. First, his action is barred by the principle of res judicata. See United States v. Shanbaum, 10 F.3d 305, 310 (5th Cir. 1994). Second, the district court has no authority to intervene in the state criminal proceeding. 28 U.S.C. § 2283; Younger v. Harris, 401 U.S. 37, 44, 91 S. Ct. 746, 27 L. Ed. 2d 669 (1971); Tatzel v. Hanlon, 530 F.2d 1205, 1206 (5th Cir. 1976). Third, the case is moot. See Powell v. McCormack, 395 U.S. 486, 496, 89 S. Ct. 1944, 23 L. Ed. 2d 491 (1969).

Because the appeal is frivolous, Ludwig's motion for leave to proceed on appeal in forma pauperis (IFP) is denied and the appeal is dismissed. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 5th Cir. R. 42.2. We note that the district

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court warned Ludwig that frivolous filings in the future will result in sanctions. That warning applies as well to appellate filings. See, e.g., Coghlan v. Starkey, 852 F.2d 806, 811 (5th Cir. 1988); Clark v. Green, 814 F.2d 221, 223 (5th Cir. 1987).

IFP DENIED; APPEAL DISMISSED.