

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11171
Conference Calendar

HORACE LEE ROGERS,

Plaintiff-Appellant,

versus

JIMMY DON BOYDSTON;
JANE DOE, Randall County Asst. D.A.;
REBECCA KING; GLEASON, Judge,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:95-CV-268
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Horace Lee Rogers appeals the district court's dismissal as frivolous of his civil rights complaint under 42 U.S.C. § 1983. We determine that the district court did not abuse its discretion in dismissing the complaint under 28 U.S.C. § 1915(d). Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994).

Rogers was not deprived of meaningful access to the courts. Judge Gleason was absolutely immune from Rogers's claim for

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

damages resulting from the judge's decision not to allow him to participate in the work-release program and in the amount of bond set. Krueger v. Reimer, 66 F.3d 75, 77 (5th Cir. 1995).

Rogers's claim for damages against two employees of the Randall County District Attorney's Office is barred by absolute prosecutorial immunity. Boyd v. Biggers, 31 F.3d 279, 285 (5th Cir. 1994).

Rogers's arguments related to the validity of his conviction and his parole constitute a challenge to his confinement and are not cognizable under § 1983. See Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994); Jackson v. Vannoy, 49 F.3d 175, 177 (5th Cir.), cert. denied, 116 S. Ct. 148 (1995).

This appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2.

Rogers is cautioned that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Rogers is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING.