

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40451
Conference Calendar

KENNETH GADDY,

Plaintiff-Appellant,

versus

UNIDENTIFIED ERWIN, Officer at
Beto I Unit; UNIDENTIFIED SAVERS,
Lt at Beto I Unit;
UNIDENTIFIED CASTILLO, CO at Beto
I Unit; KEN KUYKENDALL, Dr.,

Defendants-Appellees,

and

JANIE M. COCKRELL, Warden; JAMES A. LYNAUGH,
Director of TDCJ-ID,

Defendants.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-367
- - - - -

March 1, 1996

Before GARWOOD, JONES, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Kenneth Gaddy appeals from the magistrate judge's dismissal,
with prejudice, of his 42 U.S.C. § 1983 suit following a bench
trial. Gaddy's argument that the magistrate judge exhibited

* 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that this opinion should not be published and is not precedent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.

judicial bias by failing to subpoena all of the witnesses he requested is wholly without merit, rendering the appeal frivolous.

We caution Gaddy that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Gaddy is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED. See 5th Cir. Rule 42.2.