

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40507
Conference Calendar

GREGORIO SANCHEZ, JR.,

Plaintiff-Appellant,

versus

ROBERT J. BERG, Lieutenant;
PAULA D. REEVES, Correctional Officer;
JOHN G. BECRAFT, Correctional Officer;
S.A. BROWN,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-114

- - - - -
December 19, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

The district court did not abuse its discretion by denying the FED. R. CIV. P. 60(b) motion filed by Gregorio Sanchez, Jr., as Sanchez' complaint failed to allege a constitutional violation. Carimi v. Royal Caribbean Cruise Line, Inc., 959 F.2d 1344, 1345 (5th Cir. 1992); see Sandin v. Conner, 115 S. Ct. 2293, 2300 (1995). The appeal, which does not present an issue

* Local Rule 47.5.1 provides: "The publication of opinions that merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

of arguable legal merit, is DISMISSED AS FRIVOLOUS. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

We caution Sanchez that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Sanchez 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.