

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-50599  
Conference Calendar

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KATHRYN HENSLER,

Plaintiff-Appellant,

versus

JAMES H. DEATLEY, PHILIP POLICE,  
Assistant U.S. Attorney,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-95-CV-636

- - - - -  
December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

We construe Appellant's complaint as a collateral attack upon her conviction under 28 U.S.C. § 2255. A criminal defendant may not collaterally attack a conviction until the conviction has been affirmed on appeal. Fassler v. United States, 858 F.2d 1016, 1019 (5th Cir. 1988), cert. denied, 490 U.S. 1099 (1989). Because the complaint was filed before the conviction became final, the case is frivolous.

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\* 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

The case is also frivolous because it has no arguable merit. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it will be dismissed. 5th Cir. R. 42.2.

We caution Appellant that any additional frivolous appeals filed by her will invite the imposition of sanctions. To avoid sanctions, she 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; motion to supplement the record DENIED.