

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50632
(Summary Calendar)

ALVIN LEE HARRISON

Plaintiff-Appellant,

versus

TEXAS DEPARTMENT OF
CRIMINAL JUSTICE --
INSTITUTIONAL DIVISION

Defendant-Appellee.

Appeal from United States District Court
for the Western District of Texas
(A-95-CV-27)

August 6, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Having reviewed the record on appeal, we AFFIRM the district court's dismissal. We find that the district court did not abuse its discretion in holding that some of Harrison's claims had no arguable basis in law. *See Hicks v. Garner*, 69 F.3d 22, 24 (5th Cir. 1995). We further find that,

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

upon review de novo, the remainder of Harrison's claims were properly dismissed for failure to state a claim upon which relief could be granted. *See Blackburn v. City of Marshall*, 42 F.3d 925, 931 (5th Cir. 1995); *Piotrowski v. City of Houston*, 51 F.3d 512, 514 (5th Cir. 1995); *LaBounty v. Adler*, 933 F.2d 121 (2nd Cir. 1991). Further, we find that the imposition of sanctions was not an abuse of discretion given that Harrison filed this complaint in state court specifically to avoid the district court's order that he refrain from filing any more frivolous claims. *See Mayfield v. Kevenhagen*, 941 F.2d 346, 348 (5th Cir. 1991).