

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50907
Conference Calendar

JOE E. PERRYMAN,

Plaintiff-Appellant,

versus

HARRY LEE HUDSPETH,
U.S. DISTRICT JUDGE, Chief
Judge,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-95-CV-840
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Joe E. Perryman appeals the district court's dismissal of his civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(d). Although cast as a civil rights action against Judge Hudspeth, Perryman's complaint is, in essence, an attempt to relitigate the issue that Judge Prado was biased against him in his previous lawsuits. A § 1915(d) dismissal is appropriate when

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4

a party attempts to relitigate issues decided adversely in a prior lawsuit. See Wilson v. Lynaugh, 878 F.2d 846, 850 (5th Cir.), cert. denied, 493 U.S. 969 (1989).

Perryman's appeal is frivolous and is DISMISSED. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); see 5th Cir. R. 42.2. We caution Perryman that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Perryman 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; SANCTIONS WARNING ISSUED.