

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10026
Conference Calendar

ROBERT DALE WARE,

Plaintiff-Appellant,

versus

JOHN DOE, Hearing Officer, ET AL.,

Defendants,

JIM DUKE, Warden; JOHN DOE, Regional
Director Tennessee Colony;
JOHN DOE, Deputy Director,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:95-CV-193
- - - - -

April 17, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Robert Dale Ware appeals the district court's order for him to provide the names of two defendants to his complaint. Ware also appeals the district court's order entered pursuant to Fed. R. Civ. P. 54(b) dismissing the complaint against three defendants pursuant to 28 U.S.C. § 1915(d).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). The district court's order of December 14, 1995, ordering Ware to identify the two remaining defendants is not a final or otherwise appealable order. See Dardar v. Lafourche Realty Co., 849 F.2d 955, 957 (5th Cir. 1988). As we lack jurisdiction, this portion of the appeal is DISMISSED.

Ware has failed to provide legal arguments sufficient to provide this court a basis for review of the district court's action in entering judgment pursuant to Fed. R. Civ. P. 54(b) dismissing the three defendants. See Grant v. Cuellar, 59 F.3d 523, 525 (5th Cir. 1995). This appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous it is DISMISSED. See 5th Cir. Rule 42.2.

Ware is cautioned that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Ware is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING.