

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10253
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MERVIN GLEN ANDERSON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-2803-H
- - - - -

September 10, 1996

Before SMITH, DUHE' and BARKSDALE, Circuit Judges.

PER CURIAM:*

Mervin Anderson, federal prisoner # 12497-076, moves this court for in forma pauperis (IFP) status to appeal the district court's judgment dismissing his motion brought pursuant to 28 U.S.C. § 2255 as successive under Rule 9(b) of the Rules Governing Section 2255 Proceedings. Anderson argues only the merits of the issues he raised in his § 2255 motion in the district court. Because Anderson provides no argument on the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

only appealable issue, the propriety of the district court's dismissal of his motion under Rule 9(b), he has not established a nonfrivolous issue for appeal. His motion to proceed IFP is DENIED. Because the appeal is frivolous, the appeal is DISMISSED. See 5th Cir. R. 42.2. We caution Anderson that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Anderson is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.