

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-20186  
Conference Calendar

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GEORGE EARL JENKINS,

Plaintiff-Appellant,

versus

DAVID R. GILBERTSON,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-94-CV-3323  
- - - - -

June 27, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

George Jenkins, #621316, has appealed the district court's dismissal without prejudice of his civil rights action. His sole contention on appeal, that the district court lacked the inherent authority to dismiss his appeal for lack of prosecution, is frivolous. See McCullough v. Lynaugh, 835 F.2d 1126, 1127 (5th Cir. 1988). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We caution Jenkins that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Jenkins 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; WARNING ISSUED.