

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20201
Conference Calendar

JOE VIDALES,

Plaintiff-Appellant,

versus

LANTERN SQUARE APARTMENTS; SUN BELT PROPERTIES;
STETSON SECURITY SERVICES; ISACC, Security Guard,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-95-3689
- - - - -

June 25, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Essentially for reasons stated by the district court, we hold that the district court did not abuse its discretion in dismissing Joe Vidales's (#677120) civil rights action as frivolous. See Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993); Resident Council of Allen Parkway Village v. U.S. Dep't of Housing and Urban Dev., 980 F.2d 1043, 1050 (5th Cir.), cert. denied, 114 S. Ct. 75 (1993). Because the appeal is frivolous,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

it is DISMISSED. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5th Cir. Rule 42.2. Vidales's Motion Summary Judgment, Motion Subpoena Duces Tecum, and Motion to Have Counsel Appointed are DENIED as MOOT.

We caution Vidales that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Vidales 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. SANCTION WARNING ISSUED.