

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40314
Conference Calendar

CARDELL FRANKLIN BURTON,

Plaintiff-Appellant,

versus

KENT RAMSEY; C. MCKNIGHT; SHARON L.
YORK; P. WALTON; MARK TOMBLIN; BONNY
SELLERS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:95-cv-1054
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Cardell Franklin Burton (#221804) appeals the dismissal of his civil rights action as frivolous. Burton contends: (1) that the district court erred in adopting the magistrate judge's report and recommendation without providing him with an opportunity to file objections; (2) that he should have been given an opportunity to amend his complaint; and (3) that 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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court failed to rule on his Fed. R. Civ. P. 60(b) motion. We have carefully reviewed the brief and the record and find that the appeal is frivolous. Because the appeal is frivolous, it is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

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

APPEAL DISMISSED; SANCTION WARNING ISSUED.