

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-40851  
Conference Calendar

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JOE LOUIS BOOKER,

Plaintiff-Appellant,

versus

TOM WORSHAM; KELLY STEPHENS;  
JERRY WIGGINS; L.E. JACK DRISCOLL,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:96-CV-188  
- - - - -

December 10, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Joe Louis Booker, Texas prisoner # 515451, appeals from the judgment of the district court dismissing a civil rights action, brought pursuant to 42 U.S.C. § 1983, as frivolous. We have reviewed the record and the brief and conclude that the district court did not abuse its discretion in dismissing as frivolous Booker's claim that he was deprived of due process before his

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

confinement in administrative segregation. Booker v. Worsham et al., No. 4:96-CV-188 (E.D. Tex. Aug. 12, 1996). The motions to amend the complaint and for a temporary restraining order and an injunction are not properly before the court, and they are DENIED.

The appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. We caution Booker that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Booker is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; MOTIONS DENIED; SANCTION WARNING ISSUED.