

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60359
Conference Calendar

DARIES F. MITCHELL,

Plaintiff-Appellant,

versus

LEE HOLCOMB; RICHIE MARTIN, Chief,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 1:95-CV-113-CR
- - - - -

October 23, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Mississippi prisoner Daries Mitchell, No. 46938-A, appeals the district court's denial of his FED. R. CIV. P. 59(e) motion challenging the dismissal of Mitchell's "Motion to Remove" a state-court suit filed by Mitchell and then pending on appeal before the Mississippi Supreme Court. Having reviewed the record, we hold that the appeal from the district court's dismissal of the motion is frivolous. See Mitchell v. Holcomb,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

No. 1:95-cv113GR (S.D. Ms. Oct. 13, 1995).

We warn Mitchell that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions Mitchell 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.