

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10166
Conference Calendar

LEO DURDEN, II,

Plaintiff-Appellant,

versus

GEORGE BUSH, JR., Governor of the
State of Texas;
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:97-CV-53-C
- - - - -

August 18, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Leo Durden, II, Texas inmate #718598, fails to challenge the district court's reason for dismissing his civil rights complaint. The district court dismissed the complaint as malicious. Therefore, any such challenge is deemed abandoned on

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Thus, there is nothing for this court to review.

This appeal is frivolous and is therefore DISMISSED. See 5TH CIR. R. 42.2. We caution Durden that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Durden is further cautioned to review all 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.