

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10396
Conference Calendar

JOHNNY DWAYNE STATEN,

Plaintiff-Appellant,

versus

BOB PRUITT; HENDRICK MEDICAL CENTER,
HERMAN SCHAFFER, Dr.; JOHN C. VALCIK, Dr.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:97-CV-3-C
- - - - -

October 22, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Johnny Dwayne Staten (#682286), a state prisoner, has appealed the dismissal of his civil rights complaint as frivolous. Staten contends that the defendants acted with deliberate indifference to his various medical conditions. We have carefully reviewed the record and Staten's briefs. Essentially for reasons stated by the district court, Staten v. Pruitt, No. 1:97-CV-003-C (N.D. Tex. Apr. 7, 1997) (unpublished), we hold that Staten has failed to demonstrate that the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court abused its discretion in dismissing the complaint as frivolous.

Staten's motion for leave to file a supplemental brief is GRANTED. All remaining motions are DENIED.

Staten's 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. See 5th Cir. R. 42.2. We caution Staten that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Staten is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED; MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF GRANTED; REMAINING MOTIONS DENIED.