

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40806
Summary Calendar

JOSE RICARDO RUIZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CV-266

- - - - -
August 19, 1998

Before DAVIS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Jose Ricardo Ruiz, federal prisoner #12399-080, has filed an interlocutory appeal from the magistrate judge's order transferring his case to the Western District of Texas. Ruiz has also requested the appointment of counsel on appeal. A transfer order is not a final order that may be appealed. See Persyn v. United States, 935 F.2d 69, 72 (5th Cir. 1991); Stelly v. Employers National Ins. Co., 431 F.2d 1251, 1253 (5th Cir. 1970). This court therefore lacks jurisdiction over Ruiz's appeal. Because Ruiz's appeal is frivolous, it is DISMISSED. See 5th

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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

Ruiz's motion for the appointment of appellate counsel is DENIED as unnecessary.

MOTION DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.