

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41299
Conference Calendar

W. FOSTER SELLERS;
ELLEN SELLERS DOUGLAS, Mother of W. Foster
Sellers; STACY SELLERS NAIL, Daughter of W.
Foster Sellers,

Plaintiffs-Appellants,

versus

JACK PIERCE, Judge, 145th Judicial District,
Nacogdoches County, Texas, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:97-CV-262
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

W. Foster Sellers, Texas inmate #599791; Ellen Sellers Douglas; and Stacy Sellers Nail appeal the dismissal of their civil rights complaint. Douglas and Nail assert that they have standing, and Sellers argues that the claims were properly brought pursuant to 42 U.S.C. § 1983.

We have carefully reviewed the arguments and the appellate

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

record. We conclude that Sellers' sole federal remedy is through the writ of habeas corpus. See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). That habeas remedy is available only by permission from this court because Sellers has already litigated a habeas petition in federal court. See 28 U.S.C. § 2244(b).

Douglas and Nail do not have standing. See Lujan v. Defenders of Wildlife, 504 U.S. 555, 560-61 (1992).

Because this appeal is without arguable merit, it is DISMISSED. See 5th Cir. R. 42.2. We caution Sellers, Douglas, and Nail that any additional frivolous appeals filed by any of them will invite the imposition of sanctions. To avoid sanctions, they are further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED. SANCTION WARNING ISSUED.