

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-60002  
Conference Calendar

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JOSEPH E. DANIELS,

Plaintiff-Appellant,

versus

HONORABLE ROBERT L. GIBBS; HONORABLE  
THOMAS MAYFIELD; STATE OF MISSISSIPPI,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:97-CV-761-BN  
- - - - -

August 19, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

Joseph E. Daniels, a Mississippi prisoner (# 81564), appeals from the dismissal of his in forma pauperis complaint as frivolous, pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Daniels contends, inter alia, that the district court erred in determining that the individual defendants, state Circuit Judge Gibbs and District Attorney Mayfield, were entitled to absolute judicial immunity and prosecutorial immunity, respectively.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have reviewed the record and Daniels' brief and determined that the appeal is frivolous for essentially for the reasons set forth by the district court in its order dismissing Daniels' complaint as frivolous. See Daniels v. Gibbs, No. 3:97-CV-761-BN (S.D. Miss. Nov. 6, 1997); Denton v. Hernandez, 504 U.S. 25, 33-34 (1992) (construing former 28 U.S.C. § 1915(d)); 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 Daniels that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Daniels is urged to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.

No. 98-60002

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