

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10069
Summary Calendar

JESUS VALDEZ,

Plaintiff-Appellant,

versus

F.O. HAMILTON, Captain;
J. MONTGOMERY, Correctional Officer,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:96-CV-261
- - - - -

January 16, 1998

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Jesus Valdez, Texas prisoner #639361, appeals the dismissal as frivolous of his civil rights complaint. Valdez's motion for appointment of appellate counsel is DENIED.

Valdezs civil rights claim of purported violations of his constitutional rights in connection with a prison disciplinary proceeding is premature under Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). See Edwards v. Balisok, 117 S. Ct. 1584, 1589

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(1997). Some evidence supports the disciplinary action.

Banelos v. McFarland, 41 F.3d 232, 234 (5th Cir. 1995).

Therefore, the district court did not abuse its discretion in dismissing the claim as frivolous. Valdez's motion for injunctive relief is DENIED.

Valdez's appeal is without arguable merit and is frivolous. Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2. We caution Valdez that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Valdez is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.