

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30564
Conference Calendar

WALTER SMITH,

Plaintiff-Appellant,

versus

CRIMINALISTIC LABORATORY,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 97-CV-355-S
- - - - -

October 23, 1997

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

PER CURIAM:*

Walter Smith, Louisiana prisoner No. 112392, appeals from the district court's dismissal for lack of jurisdiction of Smith's petition for a writ of mandamus against the custodian of the "criminalistic laboratory." Smith argues that the district court erred by requiring that Smith pay a filing fee pursuant to the Prison Litigation Reform Act of 1995 in light of the fact that the court lacked jurisdiction to grant the relief Smith requested.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The filing of a meritless complaint in the district court does not exempt a plaintiff from the obligation to pay a filing fee. 28 U.S.C. §§ 1914, 1915(e)(2)(B). Accordingly, we hold that Smith's appeal is frivolous and dismiss it as such. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. We caution Smith that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Smith is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.