

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40060
Summary Calendar

HAROLD MILAM; JANICE MILAM,

Plaintiffs-Appellants,

versus

DR. MARY LOUISE HOLT; DR. CECIL WINGFIELD,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-96-MC-41
- - - - -

August 5, 1997

Before KING, HIGGINBOTHAM, and DAVIS, Circuit Judges.

PER CURIAM:*

Harold and Janice Milam appeal the dismissal as frivolous of their civil rights complaint. We have carefully reviewed the record and the appellate arguments. We conclude, for essentially the same reasons expressed by the district court, see Milam v. Holt, No. C-96-41 (S.D. Tex. Sept. 30, 1996), that the district court did not abuse its discretion by dismissing the complaint as frivolous. See Denton v. Hernandez, 504 U.S. 25, 33 (1992).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This appeal has no arguable merit and is therefore frivolous. See 5th Cir. R. 42.2. The appeal is DISMISSED. We caution Harold and Janice Milam that any additional frivolous appeals filed by either litigant will invite the imposition of sanctions. To avoid sanctions, Harold and Janice Milam are further cautioned to review all pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

The motion for appointed appellate counsel is DENIED.

APPEAL DISMISSED. SANCTION WARNING ISSUED. MOTION DENIED.