

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41509  
Conference Calendar

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GERALD GLEN SHED,

Plaintiff-Appellant,

versus

DOYLE MCLVANEY ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. G-96-CV-523  
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Gerald Glen Shed, Texas prisoner # 658933, appeals the district court's 28 U.S.C. § 1915(e)(2) dismissal as frivolous of his pro se, in forma pauperis civil rights lawsuit, pursuant to 42 U.S.C. § 1983. Shed's sole argument on appeal is that being forced to work even though he was never sentenced to hard labor subjects him to involuntary servitude in violation of the Thirteenth Amendment.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Shed acknowledges in his complaint that he may choose not to work but will lose good-time and work-time credits if he so chooses. Because he has a choice in refusing to work, albeit a "painful" one, Shed's Thirteenth-Amendment claim is meritless. See Watson v. Graves, 909 F.2d 1549, 1552 (5th Cir. 1990). His appeal is therefore dismissed as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

Shed is cautioned that any future frivolous appeals or pleadings filed by him or on his behalf will invite the imposition of sanctions. He should therefore review any pending appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.