

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-51095

MICHAEL IDROGO,

Plaintiff-Appellant,

versus

ANN MCGEEHAN, Individually
and in official capacity,
Deputy Assistant Secretary of
State Elections Division,

Defendant-Appellee.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. A-98-CV-573-SS
- - - - -

April 19, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that Michael Idrogo's motion for leave to appeal in forma pauperis (IFP) is DENIED because his appeal, being moot, lacks arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Idrogo's claim is that he is entitled to be a write-in candidate for United States Representative in the election of November 3, 1998, which has already taken place.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

IT IS FURTHER ORDERED that Idrogo's application for relief in the nature of mandamus, styled a motion for a TRO, is DENIED as moot.

We caution Idrogo that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Idrogo is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP AND TRO DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.