

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 10, 2008

Charles R. Fulbruge III
Clerk

No. 08-50249
Summary Calendar

OTIS W. GRIGSBY, SR.

Plaintiff-Appellant

v.

JOHN E. POTTER,
United States Postmaster General

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Texas
(5:06-CV-761)

Before WIENER, STEWART, and CLEMENT, Circuit Judges..

PER CURIAM:*

Plaintiff-Appellant Otis W. Grigsby, Sr., proceeding pro se, appeals the district court's take-nothing judgment filed February 15, 2008, against Grigsby and in favor of Defendant-Appellee, in conformity with the court's Memorandum Opinion and Order filed that same day.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We have carefully reviewed the entire record on appeal, including the Memorandum and Recommendation of the magistrate judge filed January 29, 2008 and the aforesaid Memorandum Opinion and Order of the district court, both of which fully and accurately set forth the relevant facts and applicable law. Our review satisfies us that the court's reasoning and ruling are eminently correct, fair, and just, and that Grigsby's appeal is not only wholly without merit but is so baseless in fact and in law as to be frivolous. Indeed, were Grigsby not pro se, we would consider imposing sanctions pursuant to Federal Rule of Appellate Procedure 38 for taking and pursuing a frivolous appeal. Instead, we caution him that any further prolongation of this matter on his part could and likely shall result in the imposition of sanctions.

For the foregoing reasons, the judgment of the district court is, in all respects, **AFFIRMED**, with all costs of these proceedings to be assessed against Grigsby.