

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-21122
Conference Calendar

RAYMOND LANG,

Plaintiff-Appellant,

versus

JACK BACON; RACHEL GIESBER;
EWING WERLEIN, JR., U.S.
District Judge; RICHARD STILWELL,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-2233
- - - - -
February 21, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

BY THE COURT:

Raymond Lang, Texas state prisoner #486632, appeals from the district court's dismissal of his civil rights complaint. He has filed a motion for leave to proceed in forma pauperis (IFP) on appeal. The motion for leave to appeal IFP is GRANTED.

No initial partial filing fee is required. See 28 U.S.C. § 1915(b)(4). Lang shall make monthly payments of twenty percent of the preceding month's income credited to his prison account. See 28 U.S.C. § 1915(b)(2). The agency having custody of Lang is directed to forward payments from his prisoner account to the clerk of the district court each time the amount in his account

exceeds \$10 until the filing fee of \$105 is paid. See id.

Lang argues that the district court abused its discretion by dismissing his complaint without allowing him an opportunity to amend. Because Lang's claim lacks an arguable basis in law, the district court did not abuse its discretion by dismissing his complaint as frivolous. See Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994). Lang's appeal is without arguable merit and, thus, frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.

IFP GRANTED; APPEAL DISMISSED.