

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-41250  
(Summary Calendar)

---

ARNOLD EDWARD BERNDT,

Plaintiff-Appellant,

versus

JANIE COCKRELL, Warden,  
ET AL.,

Defendants-Appellees.

---

Appeal from the United States District Court  
for the Eastern District of Texas  
(6:94-CV-104)

---

September 18, 1995

---

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant Arnold Edward Berndt appeals the dismissal of his 42 U.S.C. § 1983 civil rights action against various state prison officials, as frivolous under 28 U.S.C. § 1915(d). Berndt

---

\*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

also attached to his appellate brief a motion for leave to proceed in forma pauperis (IFP) on appeal.

Addressing Berndt's IFP motion first, we note that the district court never decertified Berndt's IFP status in that court. As that status thus continues on appeal, we deny his appellate IFP motion as unnecessary.

Regarding the merits of Berndt's case, we have carefully reviewed the record, considered the legal issues raised in Berndt's brief (none was filed by Defendants), analyzed the arguments and authorities set forth therein, and independently reviewed and researched the law applicable to this appeal. As a result, we are firmly convinced that the district court made no clearly erroneous findings of fact and that the law, in light of the evidence, supports the district court's dismissal of Berndt's action. Therefore, the judgment of the district court is, in all respects, AFFIRMED.