

UNITED STATES COURT OF APPEALS
for the Fifth Circuit

No. 94-41355
Summary Calendar

CHRISTOPHER J. MURPHY,

Plaintiff-Appellant,

VERSUS

W. SCOTT, Deputy Director, ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
(1:94-CV-274)

(May 22, 1995)

Before GARWOOD, HIGGINBOTHAM and DAVIS, Circuit Judges.

PER CURIAM:¹

Inmate Christopher Murphy appeals the district court's dismissal of his 42 U.S.C. § 1983 action. We affirm.

Murphy, a prisoner incarcerated by the Texas Department of Criminal Justice ("TDCJ") in the Eastern District of Texas, filed a § 1983 action against TDCJ personnel. The district court dismissed the suit without prejudice on the basis that Murphy had not complied with a sanction order issued by the Southern District of Texas requiring him to pay \$50 before he could file another

¹ 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

lawsuit.

The district court acted pursuant to its General Order 94-6, which authorizes the Eastern District to honor sanctions imposed against pro se prisoners by other federal district courts in Texas. General Order 94-6 provides that the Eastern District will enforce preclusion orders issued by other districts and orders prohibiting the filing of new pleadings until monetary sanctions are paid.

Murphy contends that because he is indigent and cannot pay the fine, enforcement of the sanction order and General Order 94-6 deprives him of his right of access to the courts and violates 28 U.S.C. § 1915(d). The Fifth Circuit recently upheld the enforcement of a similar order against an indigent prisoner, determining that the underlying sanction was "well worth upholding." Clark v. United States, No. 94-10899 (5th Cir. April 4, 1995) (unpublished).

We conclude that the underlying sanction here is similarly worth upholding. The Southern District imposed the sanction against Murphy after he filed his sixteenth lawsuit in the district, most of which had been dismissed for failure to prosecute or as frivolous. We affirmed that order in a prior proceeding. Collins v. Murphy, 26 F.3d 541, 544 (5th Cir. 1994). Murphy's inability to pay does not change this analysis. We have upheld similar sanction orders against prisoners who cannot afford to pay. Mayfield v. Klevenhagen, 941 F.2d 346, 349 (5th Cir. 1991) (\$300 and \$400 sanctions); Gelabert v. Lynaugh, 894 F.2d 746, 747-48 (5th Cir. 1990) (per curiam) (\$10 fine).

AFFIRMED.