

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40438  
Conference Calendar

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DON WAYNE BASEY,

Plaintiff-Appellant,

versus

JAMES A. COLLINS, Director,  
Texas Department of Criminal  
Justice, Institutional Division;  
WAYNE SCOTT, Director, Texas  
Department of Criminal Justice,  
Institutional Division; JOHN  
STICE, Deputy Director; LESLIE  
W. WOODS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-95-CV-41  
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December 21, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Don Wayne Basey moves this court for leave to proceed on appeal in forma pauperis (IFP) from the dismissal without prejudice of his 42 U.S.C. § 1983 action.

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\* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Because Basey does not challenge whether the district court properly dismissed his action for failure to file a complete application for IFP status, but instead argues the merits of his claims, he has not addressed the proper issue on appeal. The district court did not, however, abuse its discretion in dismissing Basey's action without prejudice.

Basey fails to raise a nonfrivolous issue on appeal. Basey's motion for leave to proceed IFP is DENIED. Because the appeal is frivolous, the appeal is DISMISSED.

Basey argues, as he has previously, that prison officials intentionally delayed information to allow him to timely complete his IFP application in the district court. His contention is without merit. Basey is setting a pattern of abuse that will not be tolerated. Accordingly, Basey is hereby sanctioned in the amount of \$100, and he is barred from filing any further civil, pro se, in forma pauperis appeals in this court, without the advance written permission of a judge of this court, until the sanction is paid. Basey is cautioned to avoid any filings with this meritless contention.