

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40847
Summary Calendar

LEOPOLD LEE PEDRAZA,

Plaintiff-Appellant,

versus

RONALD G. PERKINS, Chief of Police,
City of Victoria Police Department,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. V-95-CV-76
- - - - -

May 21, 1996

Before KING, GARWOOD, and DENNIS, Circuit Judges.

PER CURIAM:*

The district court's § 1915(d) dismissal with prejudice of Leopold Lee Pedraza's suit because it was duplicative of another action is VACATED. The case is REMANDED to the district court with instructions to enter a § 1915(d) dismissal, without prejudice to his right to pay the filing fee, because in forma pauperis status is no longer financially appropriate for Pedraza.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

VACATED and REMANDED with instructions.