

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40968
Conference Calendar

ROLAND MORENO,

Plaintiff-Appellant,

versus

J. A. COLLINS; PEREZ, Warden,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-C-95-270
- - - - -

June 19, 1997

Before SMITH, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:*

Roland Moreno, TDCJ # 626299, has filed a motion to proceed in forma pauperis (IFP) in his appeal of the district court's dismissal as frivolous of his civil rights complaint. Moreno's motion to appeal IFP is GRANTED and an initial partial filing fee of \$4.96 is assessed. See 28 U.S.C. § 1915(b)(4). Moreno also is required to make monthly payments of 20% of the preceding month's income, should he receive any funds in his account. Id.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

at § 1915(b)(2). The Texas Department of Criminal Justice is directed to forward payments from Moreno's account to the clerk of the district court each time his account exceeds \$10 until the filing fee is paid.

Moreno alleged in his complaint that prison lockdown procedures violated his due process rights. We have reviewed the record and the district court's order and conclude that Moreno's appeal is without arguable basis 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. Moreno's motions for the appointment of counsel and to supplement the record on appeal are DENIED.

APPEAL DISMISSED.