

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10483
Conference Calendar

LEROY WAFER,

Plaintiff-Appellant,

versus

BILL LONG; DALLAS COUNTY,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CV-621-T
- - - - -

February 21, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Leroy Wafer, Texas prisoner # 289279, appeals the dismissal of his 42 U.S.C. § 1983 civil rights complaint. He has filed a motion for leave to proceed in forma pauperis (IFP) on appeal. The motion for leave to appeal IFP is GRANTED.

No initial partial filing fee is required. See 28 U.S.C. § 1915(b)(4). Wafer shall make monthly payments of twenty percent of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b)(2). The agency having custody of Wafer

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

is directed to forward payments from his prisoner account to the clerk of the district court each time the amount in his account exceeds \$10 until the filing fee of \$105 is paid. See id.

Wafer argues that the district court erred in dismissing his § 1983 action pursuant to Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994). We have reviewed the record and found no error in the reasoning of the district court. See Wafer v. Long, No. 3:96-CV-621-T (N.D. Tex. March 29, 1996). Wafer's appeal is without arguable merit 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. Wafer is cautioned that any future frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. Wafer is cautioned further to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP GRANTED; APPEAL DISMISSED; SANCTION WARNING ISSUED.