

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11010
Summary Calendar

TROY WALTER JAMES,

Plaintiff-Appellant,

versus

TRIGGERS, U.S. Marshall, et al.,

Defendants,

TRIGGERS, U.S. Marshall,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:96-CV-121-C
- - - - -

March 24, 1997

Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Troy Walter James, pro se federal prisoner # 27267-077, moves for leave to proceed in forma pauperis (IFP) on appeal under the Prison Litigation Reform Act of 1995 (PLRA). The PLRA requires a prisoner appealing IFP in a civil action to pay the full amount of the filing fee, \$105. As James does not have funds for immediate payment of this fee, he is assessed a partial filing fee of \$42.30 in accordance with 28 U.S.C. § 1915(b)(1).

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

[DO NOT DO THIS] If James does not presently have \$42.30, he is instructed to notify the court of that situation and provide current certified information regarding his account balance. [DO NOT EVER DO THIS.] Upon submittal of such information, this court will assess and DO NOT USE COLLECT[collect] COURTS DO NOT COLLECT FEES; LITIGANTS PAY FEES. a new initial partial filing fee. Following payment of the partial filing fee, funds shall be deducted from James' prisoner account until the full filing fee is paid. Id.

IT IS ORDERED that James pay the appropriate filing fee to the Clerk of the District Court for the Northern District of Texas. IT IS FURTHER ORDERED that the agency having custody of James' inmate account shall collect the remainder of the \$105 filing fee and forward for payment to the Clerk of the District Court for the Northern District of Texas in accordance with 28 U.S.C. § 1915(b)(2).

James argues that the district court erred by dismissing his claim against U.S. Marshall Triggers. We have reviewed James' issues in light of the appellate record. We conclude that James' complaint is frivolous and the district court did not err by dismissing it. See March v. Jones, 53 F.3d 707, 712 (5th Cir. 1995)(citing Daniels v. Williams, 474 U.S. 327 (1986)(negligence is not actionable under section 1983)). Accordingly, James' appeal is DISMISSED as frivolous.

MOTION GRANTED. PARTIAL FILING FEE ASSESSED. APPEAL DISMISSED.