

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-11026  
Conference Calendar

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LEON MORGAN, JR.,

Plaintiff-Appellant,

versus

DALLAS POLICE DEP'T,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:96-CV-1808-X

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February 20, 1997

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

PER CURIAM:\*

The motion of Leon Morgan, Jr., Texas prisoner #655073, for leave to proceed in forma pauperis (IFP) on appeal is GRANTED. Pursuant to the Prison Litigation Reform Act (PLRA), we assess no initial partial filing fee against Morgan. However, Morgan henceforth shall make monthly payments of twenty percent of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b). The agency having custody of Morgan is directed to forward payments from his prisoner account to the clerk of the

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court each time the amount in his account exceeds \$10 until the appellate filing fee of \$105 is paid. Id.

We have reviewed Morgan's brief and the record and we hold for essentially the reasons stated by the magistrate judge and adopted by the district court that the district court did not abuse its discretion in dismissing Morgan's complaint as frivolous. Morgan v. Dallas Police Dep't, No. 3-96-CV-1808-X (N.D. Tex. Aug. 8 and 28, 1996). Morgan's appeal is without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Morgan's motion for appointment of counsel is DENIED.

APPEAL DISMISSED. 5TH CIR. R. 42.2.