

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-11191  
Conference Calendar

---

WILLIAM T. HENDERSON, JR.,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TDCJ;  
BOARD OF PARDONS & PAROLES; Individually  
and in Their Official Capacity,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:96-CV-2209-X  
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

William T. Henderson, Jr., Texas inmate # 280766, appeals the dismissal of his civil rights action pursuant to 28 U.S.C. § 1915(e)(2). The motion for leave to appeal in forma pauperis (IFP) is GRANTED. The PLRA requires a prisoner appealing IFP in a civil action to pay the full amount of the filing fee, \$105.

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

As Henderson lacks sufficient funds to pay the full filing fee, he is assessed a partial filing fee of \$12.18. See § 1915(b)(1)(A). The agency having custody of Henderson is directed to forward payment of the partial filing fee from his prisoner account to the clerk of the district court.

Additionally, Henderson is required to make monthly payments of twenty percent of the preceding month's income credited to his account until the full filing fee is paid. See § 1915(b)(2).

The agency having custody of Henderson is directed to forward the appropriate payments from his account to the clerk of the district court each time the amount in his account exceeds \$10 until the full filing fee of \$105 is paid.

The district court did not abuse its discretion when it dismissed Henderson's complaint as frivolous and malicious. See 28 U.S.C. § 1915(e)(2)(B)(i); Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988). The appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. Henderson is hereby WARNED that any future frivolous or malicious filings will invite the imposition of sanctions. To avoid sanctions, he should review any pending appeals to ensure that they do not raise arguments that are frivolous or malicious.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.