

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11195
Conference Calendar

RICKEY LAVERN SHEPPARD,

Plaintiff-Appellant,

versus

CHARLES WILSON; DEBBIE MUSIC;
AMERICAN NATIONAL PROPERTY AND
CASUALTY COMPANY; AMERICAN NATIONAL
INSURANCE COMPANY; ANPAC GENERAL
INSURANCE COMPANY,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:96-CV-246
- - - - -
February 21, 1997

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

PER CURIAM:*

Rickey Lavern Sheppard, #232818, appeals from the district court's dismissal of his 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). Sheppard shall make monthly payments of twenty

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

percent of the preceding month's income credited to his prison account. See 28 U.S.C. § 1915(b)(2). The agency having custody of Sheppard 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.

Sheppard argues that he was injured because of defendant Wilson's negligence and that the remaining defendants have conspired to deprive him of reimbursement for his medical bills. Because Sheppard's claim lacks an arguable basis in law, the district court did not abuse its discretion by dismissing his complaint as frivolous. See Eason v. Thaler, 14 F.3d 8, 9 (5th Cir. 1994). Sheppard'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.

IFP GRANTED; APPEAL DISMISSED.