

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20292
Conference Calendar

TIMOTHY HUGH QUEEN,

Plaintiff-Appellant,

versus

TOMMY THOMAS, Sheriff; MARK KELLOR; G.E. ADAMS;
K.W. BERRY, Cap't; E.F. LEE; J. FONTENO;
S. REDOCK; J. EVERSOLE; TEXAS COMM'N ON JAIL
STANDARDS; ROBERT ECKELS,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-93-1349
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The Prison Litigation Reform Act applies to this appeal.
See Strickland v. Rankin County Correctional Facility, 105 F.3d
972, 973-76 (5th Cir. 1997). Timothy Hugh Queen (#526808) has
complied with the certification requirements of the PLRA and his
motion for leave to proceed in forma pauperis is GRANTED.

* 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this opinion should not be published and is not precedent except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.

Queen is ORDERED to pay an initial partial filing fee of \$0.67. Queen must also make monthly payments of 20% of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b)(2). The agency having custody of Queen is ORDERED to forward funds from Queen's account to the clerk of the district court in payment of the initial partial filing fee. Thereafter, funds must be forwarded each time the amount in Queen's account exceeds \$10, until the full filing fee of \$105 is paid.

Queen has appealed the district court's orders denying his motion for class certification and granting the defendants' motion for summary judgment. We have carefully reviewed the brief and the record and find that the appeal is frivolous. Because the appeal is frivolous, it is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

We caution Queen that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Queen is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP GRANTED; FILING FEE ASSESSED; APPEAL DISMISSED; SANCTION WARNING ISSUED.