

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20516
Conference Calendar

DONALD RAY McCRAY,

Plaintiff-Appellant,

versus

ROBERT LOWER,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-95-5710
- - - - -

August 21, 1996

Before KING, DUHÉ, and DeMOSS, Circuit Judges.

PER CURIAM:*

Donald Ray McCray, # 620694, appeals from the district court's dismissal of his in forma pauperis complaint as frivolous pursuant to 28 U.S.C. § 1915(d), the relevant portion of which has since been redesignated as § 1915(e)(2)(B)(i) by § 804 of the Prison Litigation Reform Act, Pub. L. No. 104-134, 110 Stat. 1321 (1996). We have reviewed the record and McCray's brief and find no abuse of discretion. Because McCray's complaint lacks an arguable basis in

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

law, his appeal is frivolous. See Ancar v. Sara Plasma, Inc., 964 F.2d 465, 468 (5th Cir. 1992). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. McCray's motion for deposition testimony is DENIED.

This court previously cautioned McCray that he risked the imposition of sanctions if he continued to file meritless complaints and cautioned him to review any pending appeals to avoid the imposition of sanctions. See McCray v. Stripling, No. 96-10554 (July 2, 1996); McCray v. Fish, No. 95-10451 (June 5, 1995). Accordingly, McCray is BARRED from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court; the clerk of this court and the clerks of all federal district courts in this Circuit are directed to return to McCray, unfiled, any attempted submission inconsistent with this bar.

APPEAL DISMISSED. MOTION DENIED. SANCTIONS IMPOSED.