

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20561
Conference Calendar

JERRY W. PENNINGTON,

Plaintiff-Appellant,

versus

INMATE TRUST FUND,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-95-3674
- - - - -

April 16, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Jerry W. Pennington, Texas prisoner # 651654, moves this court for leave to proceed *in forma pauperis* (IFP) on appeal from the district court's dismissal of his civil rights complaint for failure to state a claim for which relief may be granted. On January 17, 1997, the Clerk's Office informed Pennington that it was necessary to file an affidavit for leave to proceed IFP on

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

appeal pursuant to the Prison Litigation Reform Act of 1995 (PLRA). The order held Pennington's appeal in abeyance for 45 days pending payment of the \$105 filing fee or submittal of the required documents pursuant to the PLRA. Pennington timely responded; however, the documentation submitted by him does not comply with the requirements imposed by the PLRA because he did not submit a signed affidavit attesting to his assets owned, nor did he submit information regarding his prison trust account for the period required. See § 1915(a). Accordingly, Pennington's motion for leave to proceed IFP on appeal is DENIED, and his appeal is dismissed for want of prosecution. See FIFTH CIRCUIT RULE 42.3. Should Pennington wish to reinstate his appeal, he is instructed to pay the \$105 filing fee to the clerk of the district court within 30 days from the date of this order.

MOTION DENIED. APPEAL DISMISSED.