

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-31012  
Summary Calendar

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O.D. VAN DUREN,

Plaintiff-Appellant,

versus

CLERK ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 96-CV-2189-C  
- - - - -

April 21, 1997

Before KING, JOLLY, and DENNIS, Circuit Judges

PER CURIAM:\*

The motion of O.D. Van Duren, Texas prisoner #667233, to proceed *in forma pauperis* on appeal is GRANTED. Because Van Duren's current balance in his prison account is \$0.00, we assess no initial partial filing fee. However, Van Duren henceforth shall make monthly payments of twenty percent of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

The agency having custody of Van Duren 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 appellate filing fee of \$105 is paid. Id.

Concerning Van Duren's contentions that various deputy clerks of this court violated his right of access to the courts, we have reviewed Van Duren's brief and the record, and we find that the district court did not abuse its discretion by dismissing Van Duren's complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I). Van Duren's appeal is without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Van Duren is cautioned that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Van Duren is further cautioned to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED. 5th Cir. R. 42.2.