

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40537
Conference Calendar

WILLIE ROY HOUSTON,

Plaintiff-Appellant,

versus

LESLIE W. WOODS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-95-CV-193
- - - - -
February 24, 1997

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

PER CURIAM:*

The motion of Willie Roy Houston, Texas prisoner #629532, to proceed in forma pauperis on appeal is GRANTED.

Regarding Houston's contentions that a prison lockdown violated his Eighth Amendment rights and that prison employees were deliberately indifferent to his medical needs when he failed to receive a special dietary meal on four occasions during the lockdown, we have reviewed the parties' brief and the record, and we find that the district court did not err by granting summary

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

judgment in favor of the defendants. Houston's appeal is without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Due to the frivolousness of Houston's claims, we impose a sanction of \$100. Houston is cautioned that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of further sanctions. Houston is cautioned further to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

Pursuant to the Prison Litigation Reform Act (PLRA), we assess no initial partial filing fee against Houston. However, Houston 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). The agency having custody of Houston 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.

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