

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40657
Conference Calendar

CLIFTON BERNARD FRAZIER,

Plaintiff-Appellant,

versus

JOHN LADAY, Correctional Officer;
KENNETH BENNETT, Correctional Officer;
S. LEVIAS; R. MCDONALD, Doctor;
D. E. RUTLEDGE,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1-95-CV-224
- - - - -

April 15, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Clifton Bernard Frazier, Texas inmate # 640299, appeals the dismissal of his civil rights action for failure to pay formerly imposed sanctions. The Prison Litigation Reform Act (PLRA) requires a prisoner appealing in forma pauperis to pay the full filing fee, \$105. Frazier has insufficient funds to pay the full

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

fee. Because some funds are present in his account, however, the PLRA authorizes the court to assess a partial filing fee of \$5. (20 percent of Frazier's average monthly deposits). See § 1915(b)(1)(A). Additionally, Frazier is required to make monthly payments of twenty percent of the preceding month's income credited to his account until the full filing fee is paid. See § 1915(b)(2). The agency having custody of Frazier shall collect the remainder of the \$105 filing fee and forward payment to the Clerk of the District Court for the Eastern District of Texas in accordance with 28 U.S.C. § 1915(b)(2) each time the amount in Frazier's account exceeds \$10, until the full \$105 filing fee is paid.

The dismissal of Frazier's civil rights action for failure to pay sanctions in a prior suit was not an abuse of discretion. See Gelabert v. Lynaugh, 894 F.2d 746, 747-48 (5th Cir. 1990). The appeal is frivolous, and it is DISMISSED. See Fifth Cir. R. 42.2.