

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40695
Summary Calendar

JAMES MCCARTER,

Plaintiff-Appellant,

versus

STERLING LEMON, Sergeant Lieutenant,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-93-CV-312
- - - - -

April 11, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

James McCarter, Texas prisoner # 498365, moves this court for leave to proceed in forma pauperis (IFP) on appeal from the grant of summary judgment in favor of the Defendant and the dismissal of his civil rights complaint. On January 9, 1997, Chief Judge Politz ordered McCarter to file an affidavit for leave to proceed IFP on appeal pursuant to the Prison Litigation Reform Act of 1995 (PLRA). The order held McCarter's appeal 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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

abeyance for 30 days pending payment of the \$105 filing fee or submittal of the required documents pursuant to the PLRA.

McCarter timely responded; however, the documentation submitted by McCarter does not comply with the requirements imposed by the PLRA because he did not submit information regarding his prison trust account for the period required. See § 1915(a), (b).

Accordingly, McCarter's motion for leave to proceed IFP on appeal is DENIED, and his appeal is dismissed for want of prosecution.

See 5th Cir. R. 42.3. Should McCarter 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.