

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40871
Conference Calendar

RONNIE LEE MILLSAP,

Plaintiff-Appellant,

versus

UNIDENTIFIED WILSON, Warden, Gurney Unit,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:95-CV-631
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Ronnie Lee Millsap, Texas prisoner #667855, seeks leave to proceed in forma pauperis (IFP) in this appeal from the district court's dismissal, as frivolous, of his civil rights complaint. On January 9, 1997, Chief Judge Politz ordered Millsap's appeal held in abeyance for thirty days pending payment of the docketing fee or filing an affidavit for leave to proceed IFP on appeal pursuant to the Prison Litigation Reform Act of 1995 (PLRA). The

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

documentation submitted by Millsap did not comply with the requirements imposed by the PLRA because he did not submit information regarding his prison trust-fund account for the required six-month period. See § 1915(a), (b).

On April 3, 1997, Judge Jones ordered the appeal held in abeyance for thirty days pending Millsap's payment of the \$105 filing fee or compliance with the PLRA. The order specified that Millsap should "file a certified statement by the custodian of the prisoner's trust fund account for the six-month period immediately preceding the date of the filing of the notice of appeal, August 23, 1996." The order cautioned Millsap that a failure to comply within the thirty-day period would result in a dismissal of the appeal for want of prosecution.

The financial information submitted by Millsap does not comply with the PLRA: it provides no information about his trust-fund activity in the six months preceding the filing of his notice of appeal, August 23, 1996. Accordingly, Millsap'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 Millsap wish to reinstate his appeal, he is instructed to pay the \$105 filing fee to the clerk of the district court within thirty days from the date of this order.

Millsap's motion entitled "motion, advisory to the court," which is construed as a request to supplement his appellate brief and to supplement the record on appeal, is DENIED as moot.

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MOTIONS DENIED. APPEAL DISMISSED.