

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-41157
Conference Calendar

GERALD ANTHONY WRIGHT,

Plaintiff-Appellant,

versus

TIM WEST ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:95-CV0464
- - - - -

April 17, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The motion filed by Gerald Anthony Wright, Texas prisoner #424861, to proceed in forma pauperis (IFP) on appeal is GRANTED. Pursuant to the Prison Litigation Reform Act of 1995 (PLRA), we assess an initial partial filing fee against Wright of \$6.91. See 28 U.S.C. § 1915(b)(1). Following payment of the initial partial filing fee, the remainder will be deducted from Wright's

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

prison trust-fund account until the entire filing fee is paid.
§ 1915(b)(2).

IT IS ORDERED that Wright pay the appropriate filing fee to the Clerk of the District Court for the Eastern District of Texas. IT IS FURTHER ORDERED that the agency having custody of Wright forward the initial partial filing fee to the Clerk. Thereafter, the agency shall forward, in accordance with § 1915(b)(2), to the Clerk of the District Court for the Eastern District of Texas monthly payments of 20 percent of the preceding month's income each time the amount in Wright's account exceeds \$10, until the appellate filing fee of \$105 is paid.

Regarding Wright's challenge to the district court's dismissal of his 42 U.S.C. § 1983 suit as frivolous, we have reviewed Wright's brief and the record, and we AFFIRM for essentially the reasons set forth by the magistrate judge and adopted by the district court. Wright v. West, No. 1:95cv464 (E.D. Tex. Sept. 16 and Oct. 17, 1996).

Wright's appeal is without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). We caution Wright that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Wright is cautioned further to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

No. 96-41157

- 3 -

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

42.2.