

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50176  
USDC No. W-95-CV-232

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FRANK JANUARY,

Plaintiff-Appellant,

versus

THE STATE OF TEXAS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas

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July 11, 1996

Before HIGGINBOTHAM, SMITH and STEWART, Circuit Judges.

PER CURIAM:\*

Frank January (TDCJ #361639) has filed a motion to proceed in forma pauperis (IFP) on appeal. January appeals the district court's dismissal of his complaint without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to comply with magistrate judge's order to submit an application to proceed in forma pauperis properly verified by prison officials or to pay the requisite filing fee.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

January has not presented a nonfrivolous issue. Therefore, IT IS ORDERED that his motion for leave to proceed on appeal IFP is DENIED. See Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). Because his appeal is frivolous, the appeal is DISMISSED. 5th Cir. R. 42.2.