

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50238
Summary Calendar

GLEN C. JAMES,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;
WAYNE SCOTT, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;
ALLAN B. POLUNSKY, Chairman; LEPHER JENKINS, TDC
Regional Director; DAYTON J. POPPELL; MARSHALL
D. HERKLOTZ; JANIE THOMAS; GARY LANG,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CV-210
- - - - -

July 11, 1996

Before SMITH, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:*

Glen C. James, #660410, appeals the district court's denial of his motion for leave to file a 42 U.S.C. § 1983 civil rights complaint asserting claims of due process violations in placing him in lockdown and inadequate food and exercise in lockdown in violation of the Eighth Amendment. The district court denied

Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

James leave to file the complaint in light of a sanction order in James v. Collins, No. SA-95-CA-1024 (W.D. Tex. Feb. 15, 1996), in which the district court ordered the clerk of court to refrain from filing any document submitted by James to the court until James paid a \$50 monetary sanction or obtained written permission from the court.

James does not dispute that he failed to pay the \$50 monetary sanction. The district court, in denying James' motion for leave to file the complaint, indicated its willingness to accept for filing a narrowly-tailored complaint asserting James' claims of constitutionally inadequate food. James' claims concern events which occurred on or after January 23, 1996, and, thus, are not presently barred by the applicable two-year statute of limitations. Owens v. Okure, 488 U.S. 235, 249-50 (1989); Tex. Civ. Prac. & Rem. Code Ann. § 16.003(a) (West 1996); Burrell v. Newsome, 883 F.2d 416, 418 (5th Cir. 1989). The district court did not abuse its discretion in denying James' motion for leave to file his civil rights complaint.

AFFIRMED.