

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50590
Conference Calendar

CURTIS R. FRANCIS,

Plaintiff-Appellant,

versus

STATE OF TEXAS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-94-CV-486
- - - - -

April 17, 1997

Before REAVLEY, DAVIS, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The motion filed by Curtis R. Francis, Texas prisoner #564414, to proceed in forma pauperis (IFP) on appeal is GRANTED. Because Francis has no funds in his prison trust-fund account, no initial partial filing fee is required. See 28 U.S.C. § 1915(b)(4). Francis shall make monthly payments of twenty percent of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b)(2). The agency having custody of Francis

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

is directed to forward payments from his prisoner account to the clerk of the district court each time the amount in his account exceeds \$10 until the filing fee of \$105 is paid. See id.

Regarding Francis's contention that the district court acted improperly in limiting discovery prior to granting summary judgment in favor of the defendants, we have reviewed the record and the briefs and conclude that no abuse of discretion has been demonstrated. King v. Dogan, 31 F.3d 344, 346 (5th Cir. 1994).

Francis'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 Francis that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Francis is cautioned further to review any pending suits and appeals to ensure that they do not raise arguments that are frivolous.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED. 5th Cir. R.
42.2.