

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50634
Conference Calendar

ROBERT EARL WASHINGTON,

Plaintiff-Appellant,

versus

TEXAS PRISON SYSTEM, Medical
Facilities; SLAUGHTER, Mr.;
VINCENT, Doctor; CHANMUGAN;
UREBE, Doctor; GRIFFIN,
Sergeant; GUTIERREZ, Officer,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CV-474
- - - - -
February 24, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

Robert Earl Washington, Texas prisoner # 644155, appeals the dismissal of his civil rights complaint for failure to prosecute and to comply with the district court's order. He has filed a motion for leave to proceed in forma pauperis (IFP) on appeal. The motion for leave to appeal IFP is GRANTED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

After payment of an initial partial filing fee of \$4.26, Washington shall make monthly payments of twenty percent of the preceding month's income credited to his account. See 28 U.S.C. § 1915(a). The agency having custody of Washington 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 is paid. See id.

Washington has not challenged the basis of the district court's dismissal. We have reviewed the record and found no error. Washington's appeal is without arguable merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.

Washington's motion to enforce the Ruiz judgment is DENIED.
APPEAL DISMISSED.