

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50729
Summary Calendar

RICKY NEALS,

Plaintiff-Appellant,

versus

ELTON D. BROCK, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CV-006
- - - - -

March 24, 1997

Before DAVIS, EMILIO M. GARZA, and STEWART, Circuit Judges.

PER CURIAM:*

The motion of Ricky Neals, Texas prisoner #639448, to proceed in forma pauperis on appeal is GRANTED. Because Neals' current balance in his prison account is \$0.00, we assess no initial partial filing fee against Neals. However, Neals henceforth shall make monthly payments of twenty percent of the preceding month's income credited to his account. See 28 U.S.C. § 1915(b). The agency having custody of Neals is directed to forward payments from his prisoner account to the clerk of the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court each time the amount in his account exceeds \$10 until the appellate filing fee of \$105 is paid. Id.

Concerning Neals' contentions that prison officials failed to protect him from his cellmates and that the officials were deliberately indifferent to his serious medical needs, we have reviewed Neals' brief and the record, and we find that the district court did not abuse its discretion by dismissing Neals' civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Neals' appeal is without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Neals is cautioned that future frivolous civil suits and appeals filed by him or on his behalf will invite the imposition of sanctions. Neals is further cautioned 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.