

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50838  
Conference Calendar

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KEITH ALLAN ANGEL,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT  
OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;  
LEPHER JENKINS, Regional Director; JEFFERY  
JEFFCOAT, Assistant Warden; DAYTON J. POPPELL,  
Warden; MICHAEL B. DAVIS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-96-CV-912  
- - - - -  
February 24, 1997

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

PER CURIAM:\*

Keith Allan Angel, Texas prisoner #621419, 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.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Pursuant to the Prison Litigation Reform Act (PLRA), we assess no initial partial filing fee against Angel. However, Angel 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 Angel 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 appellate filing fee of \$105 is paid. Id.

Angel has not challenged the basis of the district court's dismissal. We have reviewed the record and found no error. Angel'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.