

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41442
Summary Calendar

JUSTIN CHRISTOPHER JOHNSON,

Plaintiff-Appellant,

versus

BRENDA THOMAS, JOHN DOE, CO. III, JOHN DOE, SGT.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-95-CV-693
- - - - -

July 22, 1999

Before DAVIS, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:¹

Justin Christopher Johnson, prisoner # 615709, appeals the district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint, which was dismissed for failure to comply with an order requiring him to make payment of the initial partial filing fee required by the Prison Litigation Reform Act (PLRA). He questions the applicability of the PLRA because it was enacted after he filed his § 1983 complaint, and after he had been granted *in forma pauperis* status. This argument lacks merit. See Larson v. Scott, 157 F.3d 1030, 1032 (5th Cir. 1998). The district court

¹ Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

did not abuse its discretion in dismissing Johnson's complaint without prejudice for want of prosecution. See id.

However, Johnson has since complied with the district court's order that he pay an initial partial filing fee, and he has submitted a grievance form filed by him complaining that his request for withdrawal forms went unanswered. The district court apparently found Appellant's reasons not credible. In light of the language of the warden's denial of the grievance that "[w]ithdrawal slips are available upon request" and that "[s]upplies are passed out once per shift" we cannot say the court erred. Accordingly, the district court's order dismissing Johnson's § 1983 complaint without prejudice for want of prosecution is

AFFIRMED.