

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50075
Summary Calendar

WENDELL MORRIS ROBERSON,

Plaintiff-Appellant,

versus

DAVID J. GARCIA, Bexar County
District Clerk; JOHN DOE, 1-5,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CV-1003
- - - - -

July 28, 1998

Before KING, WIENER and BARKSDALE, Circuit Judges.

PER CURIAM:*

Wendell Morris Roberson, a Texas prisoner (# 443120),
appeals from the district court's dismissal "without prejudice"
of his 42 U.S.C. § 1983 civil rights complaint. The district
court determined that Roberson had failed to comply with a court
order, see FED. R. CIV. P. 41(b), that he follow the requirements
of the Prison Litigation Reform Act ("PLRA") amendments to 42

* 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that this opinion should not be published and is not precedent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.

U.S.C. § 1915, which sets the procedures for inmates who seek to proceed in forma pauperis ("IFP").

It appears that the district court entered judgment several days before the Institutional Division of the Texas Department of Criminal Justice ("TDCJ") notified Texas inmates of a policy by which inmates could obtain the financial documents that are necessary for compliance with the amended § 1915. See Morrow v. Collins, 111 F.3d 374, 375-76 (5th Cir. 1997) (TDCJ policy was announced on December 1, 1996). Because it is probable that most or all of Roberson's claims would be barred by the applicable Texas two-year limitations statute were he to refile his complaint, see Henson-El v. Rogers, 923 F.2d 51, 52 (5th Cir. 1991); TEX. CIV. PRAC. & REM. CODE ANN. § 16.003 (West 1996), the case is VACATED and REMANDED so that Roberson may be afforded an adequate opportunity to comply with the TDCJ procedures and PLRA requirements for proceeding IFP.

VACATED AND REMANDED.