

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-50865  
Conference Calendar

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ROBERT EARL WASHINGTON,

Plaintiff-Appellant,

versus

L. BROLL, Officer; D. J. POPPELL,  
Warden; GUTIERREZ, Officer,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-97-CV-71  
- - - - -

February 10, 1998

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

PER CURIAM:\*

Robert Earl Washington, Texas prisoner #644155, appeals from the district court's dismissal of his 42 U.S.C. § 1983 complaint as frivolous. Washington argues that the defendants denied his access to the courts when they delayed processing his inmate trust account information.

Because Washington did not file objections to the magistrate judge's report, review is limited to plain error. See Douglas v. United Serv. Auto. Ass'n, 79 F.3d 1415, 1428 (5th Cir. 1996)(en banc); Robertson v. Plano City of Texas, 70 F.3d 21, 23

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(5th Cir. 1995). A prisoner must show an actual injury to prevail on an access-to-the-courts claim. Lewis v. Casey, 116 S. Ct. 2174, 2179-80 (1996).

Washington has not shown that the district court plainly erred in dismissing his complaint. 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. 5th Cir. R. 42.2.

Washington now has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted. 28 U.S.C. § 1915(g). Accordingly, Washington is BARRED from proceeding IFP in a civil action unless he is under imminent danger of serious physical injury. Id.

APPEAL DISMISSED. SANCTION IMPOSED.