

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-20272  
Summary Calendar

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DANIEL JOSEPH LUKEN,

Plaintiff-Appellant,

versus

GARY L. JOHNSON,  
Texas Department of  
Criminal Justice, Institutional  
Division, WAYNE SCOTT, Director,  
Texas Department of Criminal  
Justice, Institutional Division;  
S.O. WOODS, JR.; SAMUAL  
BUENTELLO,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-97-1891  
- - - - -

May 12, 1999

Before POLITZ, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Daniel Joseph Luken, Texas state prisoner 602222, has filed a motion to proceed in forma pauperis (IFP) on appeal. The court previously remanded this case to the district court for a determination whether Luken was responsible for his failure to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

comply with the district court's order to provide a copy of his trust account statement in compliance with the financial reporting requirements of 28 U.S.C. § 1915(a).

Luken asserted that he was unable to obtain the information while incarcerated in the Harris County Jail. The district court determined based on information provided by a county jail official that there were simple procedures available to obtain the information, and that Luken failure's to obtain a copy of his trust account statement was inexcusable.

Because Luken failed to timely provide the information required by the Prison Litigation Reform Act, his motion to proceed IFP on appeal is DENIED, and the appeal is DISMISSED for lack of prosecution. See 5th Cir. R. 42.3.

If Luken wishes to reinstate his appeal, he must pay the filing fee of \$105 to the clerk of the district court within 30 days of the entry of the dismissal order.

APPEAL DISMISSED.