

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-50604
Conference Calendar

GREGORY HOUSE,

Plaintiff-Appellant,

versus

DAVID MOYA, Senior Warden,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CV-104
- - - - -

December 11, 1996

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Gregory House, TDCJ #411028, moves for leave to appeal in forma pauperis, arguing that the district court erred by dismissing his claim that his conditions of confinement violate the Eighth Amendment. We have reviewed House's issues in light of the appellate record. We conclude that the issues are without arguable merit and, thus, are frivolous. See Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). Accordingly,

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

House's motion is DENIED. Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.**

MOTION DENIED. APPEAL DISMISSED.

** Because the appeal is frivolous, we pretermitt the question of the applicability of the Prison Litigation Reform Act of 1995.