

124 F.3d 192

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Fifth Circuit Rules 28.7, 47.5-3, 47.5-4. (Find CTA5 Rule 28 and Find CTA5 Rule 47)

United States Court of Appeals,  
Fifth Circuit.

Allen L. LAMAR, et al., Plaintiffs,

v.

H.H. COFFIELD, Former Chairman TBC; Walter L. Pfluger, Member Board of Corrections; James M. Windham, Member Board of Corrections; Lester Boyd, Member Board of Corrections; Walter M. Mischer, Member Board of Corrections; David D. Allen, Member Board of Corrections; W. Ervin James, Member Board of Corrections; Fred W. Shield, Member Board of Corrections; L.H. True, Member Board of Corrections; George J. Beto, Dr., Director of the Texas Department of Corrections, Defendants-Appellees, Robert Lee Mudd, Movant-Appellant.

No. 96-20333. | Summary Calendar. | Aug. 12, 1997.

Appeal from the United States District Court for the Southern District of Texas USDC No. CA-H-72-1393.

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

**Opinion**

PER CURIAM.\*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

\*1 Robert Lee Mudd, # 424596, appeals the district court's denial of his motion to intervene or, in the alternative, for relief from judgment. The Prison Litigation Reform Act ("PLRA") of 1995, Pub.L. No. 104-134, 110 Stat. 1321 (1996) provides that "[n]otwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that ... the action or appeal ... is frivolous or malicious." 28 U.S.C. § 1915(e)(2)(B)(ii). We dismiss Mudd's appeal as frivolous, and warn him that future frivolous actions in the district court or in this court may result in his being unable to proceed *in forma pauperis* every again. See 28 U.S.C. § 1915(g) ("In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner 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 ....").

Despite our dismissal of Mudd's frivolous claim, the PLRA requires that he pay the full filing fee of \$105 for this appeal. Mudd was ordered to pay an initial filing fee of \$50 and monthly installments of \$12.50 were ordered deducted from his prison trust account. Court records reflect that the initial \$50 fee has not yet been paid. Mudd is therefore ordered to pay the \$50 fee to the district court immediately.

APPEAL DISMISSED.