

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10812
Summary Calendar

SHERMAN HARVEY MERRITT, JR.,

Plaintiff-Appellant,

versus

CARL R. GREEN, Captain,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:97-CV-154
- - - - -

February 26, 1998

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:¹

Sherman Harvey Merritt, Jr., Texas Prisoner No. 764054, appeals the district court's order dismissing his case for failure to pay filing fees. The district court did not err in dismissing Merritt's complaint. See 28 U.S.C. § 1915(b)(1).

AFFIRMED.

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.