

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 00-10850  
Conference Calendar

---

ROQUE T. ARANDA,

Plaintiff-Appellant,

versus

HENRY THOMAS HIRSCH; RICKY B. SMITH; GEORGE H. HANSARD; ALLEN J.  
HAMMONS, JR.; JAMES RAY CATON,

Defendants-Appellees.

-----  
Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 5:00-CV-224-C  
-----

April 12, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

Roque T. Aranda, Texas prisoner # 805045, appeals the dismissal of his complaint alleging a conspiracy to convict him as frivolous and malicious in accordance with 28 U.S.C. § 1915(e)(2)(B). Aranda argues inter alia that the district court improperly dismissed his conspiracy claim as time-barred.

The complaint is time-barred. See Moore v. McDonald, 30 F.3d 616, 620 (5th Cir. 1994). This appeal is frivolous. See

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). It is DISMISSED. See 5th Cir. R. 42.2.

The three-strikes provision of 28 U.S.C. § 1915(g) "prohibits a prisoner from proceeding IFP if he has had three actions or appeals dismissed for frivolousness, maliciousness, or failure to state a claim." Carson v. Johnson, 112 F.3d 818, 819 (5th Cir. 1997)(citing Adepegba v. Hammons, 103 F.3d 383, 385 (5th Cir. 1996)). Aranda has previously had at least five strikes against him. Aranda v. Key, No. 00-10849 (5th Cir. Feb. 14, 2001)(imposing 28 U.S.C. § 1915(g) bar); Aranda v. Shaw, No. 00-10844 (5th Cir. Feb. 14, 2001)(imposing 28 U.S.C. § 1915(g) bar); Aranda v. Millsaps, No. 99-11394 (5th Cir. Aug. 29, 2000). Aranda filed this appeal before the § 1915(g) bar was imposed. He is reminded that he may no longer proceed IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

APPEAL DISMISSED; ALL OUTSTANDING MOTIONS DENIED.