

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-31101
Conference Calendar

JUVENTINO MUNOZ,

Plaintiff-Appellant,

versus

LORETTA WHYTE, Clerk, U.S. District Court, Eastern District of Louisiana; CHARLES R. FULBRUGE, III, Clerk, U.S. Court of Appeals, Fifth Circuit,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 96-CV-2309-K
- - - - -

August 27, 1999

Before KING, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Juventino Munoz (Louisiana prisoner # 352797) has filed a motion for permission to appeal, in forma pauperis (IFP), the district court's order dismissing as frivolous his complaint alleging violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U.S.C. § 1962.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Munoz is BARRED by 28 U.S.C. § 1915(g) from proceeding IFP because, on at least three prior occasions while incarcerated, he has brought an action or appeal in a United States Court that was dismissed for frivolousness, for maliciousness, or for failure to state a claim for which relief could be granted and because he has not established that he is under imminent danger of serious physical injury. See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996); Munoz v. Jambon, 94-CV-4192-J (E.D. La.; Feb. 10, 1995), aff'd, No. 95-31304 (5th Cir.; Aug. 21, 1996); Munoz v. Simone, CA-95-2559-L (E.D. La.; Oct. 30, 1995), aff'd, No. 95-31143 (5th Cir.; Aug. 20, 1996); Munoz v. Garrison, 95-CV-1691 (M.D. La.; Jan. 28, 1997).

Accordingly, Munoz's motion for IFP is DENIED and his appeal is DISMISSED. Should he wish to reinstate his appeal, Munoz has 15 days from the date of this opinion to pay the full appellate filing fee of \$105 to the clerk of the district court.

IFP DENIED. APPEAL DISMISSED.