

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50113
Conference Calendar

ARTURO SOLIS,

Petitioner-Appellant,

versus

FEDERAL GRAND JURY MATERIALS,
(Of December 1995 and February
1996 Terms),

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-98-CV-323

October 19, 1999

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Arturo Solis, Texas prisoner #519192, has filed a motion to proceed in forma pauperis (IFP) to appeal the denial of his motion for (1) leave to file a petition for disclosure of grand jury material; (2) reconsideration; and (3) recusal. The district court denied Solis' motion to proceed IFP on appeal and certified that an appeal would be frivolous and not taken in good

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

faith. 28 U.S.C. § 1915(a)(3); Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

Solis has failed to show that his appeal presents a nonfrivolous issue. See Baugh, 117 F.3d at 202 & n.24. Thus, his motion to proceed IFP is DENIED and his appeal is DISMISSED as frivolous. See 5th Cir. R. 42.2.

With the dismissal of this appeal as frivolous, along with the dismissal of Solis' appeals in Solis v. Harwell, No. 98-50287 and Solis v. Johnson, No. 98-50592, Solis now has six "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Solis is reminded that he is barred from filing any civil action or appeal IFP unless he is under imminent danger of serious physical injury. § 1915(g).

APPEAL DISMISSED.