

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40588  
Summary Calendar

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REYES FLORES,

Plaintiff-Appellant,

versus

VALERIE HUDSON, Lieutenant,  
Michael Unit,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:00-CV-259  
- - - - -  
September 29, 2000

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:\*

The district court dismissed the 42 U.S.C. § 1983 complaint filed by Reyes Flores, Texas prisoner # 615077, because he is barred by 28 U.S.C. § 1915(g) (three-strikes bar) and he had failed to establish that he was under imminent danger of serious physical injury. Flores requests (1) leave to substitute his spiritual advisor in his place pursuant to Fed. R. App. P. 43(b) because his advisor is not subject to the three-strikes bar, (2) leave to proceed in forma pauperis (IFP) because he is under

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

imminent danger of serious physical injury, and (3) the appointment of counsel.

Flores's request to substitute his spiritual advisor is DENIED. Because Flores has failed to establish that he is under imminent danger, his request for IFP is DENIED. Baños v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998). Because Flores has failed to demonstrate exceptional circumstances, his request for the appointment of counsel is also DENIED. Cupit v. Jones, 835 F.2d 82, 86 (5th Cir. 1987).

Flores's appeal is DISMISSED. Should Flores wish to reinstate his appeal, he 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.

MOTIONS DENIED. APPEAL DISMISSED.