

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-10875  
Summary Calendar

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OTIS RUDD,

Plaintiff-Appellant,

versus

ROBERT TREON; TOMMY NORWOOD; MICHAEL TURNER;  
J. D. MOONEYHAM; KENNETH BRIGHT; JIMMY BOWMAN;  
CLYDE HARGROVE; LISA JAMES; ARLENE FRANCO;  
JAMES HEMBREE,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:02-CV-152-R  
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September 27, 2002

Before HIGGINBOTHAM, SMITH, AND CLEMENT, Circuit Judges.

PER CURIAM:\*

Otis Rudd, Texas inmate # 505837, moves in this court for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his civil rights complaint as barred by the "three strikes" provision of 28 U.S.C. § 1915(g). Rudd asserts that he is in imminent danger of serious physical injury. Rudd does not challenge the district court's finding

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that he has at least three strikes against him for purposes of 28 U.S.C. § 1915(g).

Rudd's allegations do not establish that he is under imminent danger of serious physical injury. See Baños v. O'Guin, 144 F.3d 883, 884 (5th Cir. 1998). Accordingly, Rudd's motion for leave to proceed IFP is DENIED.

Rudd's appeal is DISMISSED. Should Rudd 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.

MOTION DENIED; APPEAL DISMISSED.