

August 20, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20151
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BARNEY JOE DONALSON, JR.,
also known as Damon Downs,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-93-CR-27-ALL

Before JONES, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Barney Joe Donalson, Jr., a/k/a Damon Downs, ("Donalson"), Texas prisoner # 423754, appeals the district court's denial of his FED. R. CRIM. P. 36 motion to correct his judgment of conviction for clerical error. In June 1995, this court sanctioned Donalson, who then used the name Damon Henry Downs, stating:

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Downs may file no initial pleading in this court or in any court subject to the jurisdiction of this court, except with the advance written permission of a judge of the forum court. Before filing any appeal or other action in this court, Downs shall submit to the clerk of this court a request for permission to file, together with the document that he proposes to file, which the clerk shall direct to an active judge of this court. In requesting the required permission in this court or in any court in this circuit, Downs shall inform the court of the bar stated herein.

In re Downs, No. 95-50282 (5th Cir. June 27, 1995) (unpublished).

Donalson did not seek the permission specified in the foregoing opinion prior to filing the appeal of the district court's order. Accordingly, we dismiss the instant appeal as having been filed improvidently.

APPEAL DISMISSED.