

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT **United States Court of Appeals**

**Fifth Circuit**

**FILED**

**September 7, 2007**

Charles R. Fulbruge III  
Clerk

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No. 06-41740  
Summary Calendar

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DONALD EDWARD MACK

Plaintiff-Appellant

v.

JEFFERY B BARNETT, Lieutenant, Michael Unit; SUZZAN FLEMINGS,  
Nurse Practitioner, Michael Unit; PHILLIP WRIGHT, Paroled; PHILLIP  
BAKER

Defendants-Appellees

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:06-CV-421

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Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Donald Edward Mack, Texas prisoner # 391890, moves for in forma pauperis (IFP) status to appeal the district court's dismissal of his 42 U.S.C. § 1983 complaint on the basis of the three-strikes bar in 28 U.S.C. § 1915(g). However, as there is no timely notice of appeal in this case, this court lacks jurisdiction to consider Mack's § 1983 claims. See *Bowles v. Russell*, 127 S. Ct.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

2360, 2366 (2007). Accordingly, this case is DISMISSED with prejudice. Mack's motions for IFP status and for appointment of counsel are DENIED.