

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2009

Charles R. Fulbruge III
Clerk

No. 09-40044
Summary Calendar

JERRY LEWIS DEDRICK

Petitioner-Appellant

v.

JODY R UPTON, Warden

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:08-CV-678

Before BENAVIDES, PRADO, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jerry Lewis Dedrick, federal prisoner # 27140-180, has been barred from proceeding in forma pauperis (IFP) under 28 U.S.C. § 1915(g) because, on at least three prior occasions while incarcerated, he has brought an action or appeal in a court of the United States that was dismissed as frivolous or for failure to state a claim upon which relief could be granted. *See Dedrick v. Dettman*, No. 7:94-CV-149 (W.D. Tex. Sept. 21, 1994) (dismissed as frivolous);

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Dedrick v. Hyde, No. 7:95-CV-221 (W.D. Tex. Mar. 11, 1996) (dismissed as frivolous); *Dedrick v. Painter*, No. 7:95-CV-93 (W.D. Tex. July 27, 1995) (dismissed as frivolous); *Dedrick v. Painter*, No. 7:96-CV-37 (W.D. Tex. Mar. 6, 1997) (dismissed as frivolous)). The district court improvidently granted Dedrick leave to proceed IFP on appeal.

Accordingly, Dedrick's IFP status is decertified, and the appeal is dismissed. Dedrick has 15 days from the date of this opinion to pay the full appellate filing fee to the clerk of the district court, should he wish to reinstate his appeal.

IFP DECERTIFIED; APPEAL DISMISSED.