

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-40284

United States Court of Appeals
Fifth Circuit

FILED

July 21, 2014

Lyle W. Cayce
Clerk

CURTIS LEE SHEPPARD,

Plaintiff-Appellant

v.

BRAD LIVINGSTON, Individually and in His Official Capacity as Assistant Warden, TDCJ-CID; DARREN B. WALLACE, Individually and in His Official Capacity as Assistant Warden; HENRY E. ADAMS, Individually and in His Official Capacity as Captain; KEVIN D. MASTERS, Individually and in His Official Capacity as Major; PEDRO BOYKIN, Individually and in His Official Capacity as Captain,

Defendants-Appellees

Appeals from the United States District Court
for the Eastern District of Texas
USDC No. 1:12-CV-169

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Curtis Lee Sheppard, Texas prisoner # 1656666, filed a 42 U.S.C. § 1983 complaint against certain prison employees, arguing that they violated his First Amendment rights by interfering with the practice of his Rastafarian

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-40284

religion. He moved for a preliminary injunction, and the district court denied his motion. He filed an appeal from the denial of that motion and a motion to proceed in forma pauperis (IFP) on appeal. The district court denied Sheppard's motion to proceed IFP under the three-strikes provision of 28 U.S.C. § 1915(g).

Sheppard has accumulated three strikes, and he fails to show that he was under imminent danger of serious physical injury at the time he sought to file his suit in the district court, proceed with his appeal, or file a motion to proceed IFP. *See Baños v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998); § 1915(g). Accordingly, IT IS ORDERED that his motion to proceed IFP on appeal is DENIED and his appeal from the district court's denial of his motion for a preliminary injunction is DISMISSED. The appeal may be reinstated if Sheppard pays the full appellate filing fee within 15 days of this dismissal.