

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

United States Court of Appeals
Fifth Circuit

FILED

December 6, 2018

Lyle W. Cayce
Clerk

No. 18-20362
Summary Calendar

JESSIE LEE WASHINGTON,

Plaintiff-Appellant

v.

HARRIS COUNTY DEPUTY D. HARRISON, CO-II Guard; KELLY STRONG,
Senior Warden; T. BURSON, Unit Major; BRYANT COLLIER, Texas
Department of Criminal Justice Director; B. SMITH, Assistant Warden,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:17-CV-3326

Before SMITH, WIENER, and WILLETT, Circuit Judges.

PER CURIAM:*

Jessie Lee Washington, Texas prisoner # 901757, proceeding pro se, appeals the dismissal of his 42 U.S.C. § 1983 action as barred under 28 U.S.C. § 1915(g). Additionally, he moves for the appointment of counsel.

Washington does not challenge the district court's determination that, on at least three prior occasions while incarcerated, he has brought a civil

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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action or appeal in a United States court that was dismissed as frivolous or for failure to state a claim. Accordingly, to overcome the § 1915(g) bar, he must fall within the “imminent danger” exception.

Washington has not established, nor does the record reflect, that he was under imminent danger of serious physical injury when he filed his notices of appeal or sought leave to proceed in forma pauperis (IFP) on appeal. *See Baños v. O’Guin*, 144 F.3d 883, 884-85 (5th Cir. 1998). Accordingly, his IFP status is decertified, the appeal is dismissed, and the motion for the appointment of counsel is denied. Washington has 30 days from the date of this opinion to pay the full appellate filing fee should he wish to reinstate his appeal.

IFP DECERTIFIED; § 1915(g) BAR IMPOSED; APPEAL DISMISSED;
MOTION DENIED.