

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

No. 18-40093

United States Court of Appeals
Fifth Circuit

FILED

August 3, 2018

Lyle W. Cayce
Clerk

MASON JAMES,

Plaintiff-Appellant

v.

RICHARD L. FANK; EBENEZER O. OLOWEMEYE; SALVADOR
VILLANUEVA,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:17-CV-167

Before CLEMENT, OWEN, and WILLETT, Circuit Judges.

PER CURIAM:*

Mason James, Texas prisoner # 670604, moves this court for authorization to proceed in forma pauperis (IFP) following the district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint. Because he has failed to show that he should be allowed to proceed IFP on appeal under 28 U.S.C. § 1915(g), *see Banos v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998), James's motion for leave to proceed IFP is denied.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The facts surrounding the IFP decision are inextricably intertwined with the merits of the appeal. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997). The appeal presents no nonfrivolous issues and is dismissed as frivolous. 5TH CIR. R. 42.2.

IFP DENIED; APPEAL DISMISSED.