

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

United States Court of Appeals
Fifth Circuit

FILED

August 29, 2019

Lyle W. Cayce
Clerk

No. 18-41169
Summary Calendar

MASON JAMES,

Plaintiff-Appellant

v.

BILLY M. LEWIS, Warden; BRUCE A. JOHNSON, Assistant Warden;
KENNETH E. HUTTO,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:18-CV-103

Before SMITH, HIGGINSON, and DUNCAN, Circuit Judges.

PER CURIAM:*

Mason James, Texas prisoner # 670604, appeals the dismissal of his 42 U.S.C. § 1983 complaint against several prison employees. On at least three prior occasions while incarcerated, James has brought an action or appeal in a court of the United States that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. *See, e.g., James v.*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-41169

Hoel, No. 7:02-CV-239 (N.D. Tex. Nov. 15, 2002) (unpublished); *James v. Hart*, No. 7:02-CV-192 (N.D. Tex. Sep. 23, 2002) (unpublished); *James v. Fank*, 734 F. App'x 246, 246 (5th Cir. 2018); *see also James v. Anderson*, 770 F. App'x 724, 724 (5th Cir. 2019) (applying three-strikes bar and dismissing appeal). He therefore is barred from proceeding in forma pauperis (IFP) in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). James has made only conclusory assertions that he was under imminent danger of serious physical injury when he filed his complaint, appeal, or request to proceed IFP. Therefore, the magistrate judge improvidently granted him leave to proceed IFP on appeal.

Accordingly, James's IFP status is decertified and the appeal is dismissed. Should James wish to reinstate his appeal, he has 30 days from the date of this opinion to pay the full appellate filing fee to the clerk of the district court.

IFP DECERTIFIED; APPEAL DISMISSED.