

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 22, 2020

Lyle W. Cayce
Clerk

No. 20-20132

CLINTON LARU ARDS,

Plaintiff—Appellant,

versus

JEAN MONROE, *Regional Director, Huntsville, Texas*; BRYAN COLLIER, *Executive Director*; WARDEN HERRERA; ASSISTANT WARDEN WIDER; BELLA JEZIERSKI, *Instructor*; PAUL ALLEN, *Chair, Lee College, Huntsville, Texas*; DONNA ZUNIGA, *Dean*; MAJOR SULLIVAN,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CV-542

Before WILLETT, HO, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Clinton Laru Ards, former Texas prisoner # 2297036, moves this court for authorization to proceed in forma pauperis (IFP) following the

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint as barred by the three strikes rule of 28 U.S.C. § 1915(g). Ards has failed to show that he should be allowed to proceed IFP on appeal under § 1915(g). *See Baños v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998). Accordingly, Ards's motion for leave to proceed IFP is DENIED. For the same reason, his appeal from the district court's dismissal of his § 1983 complaint is frivolous and is DISMISSED. *See 5TH CIR. R. 42.2; Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997).

The dismissal of this appeal counts as a strike under § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996). Ards is CAUTIONED that he has been barred previously and remains barred from proceeding 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 *See § 1915(g); Ards v. Abbott*, No. 17-20707, at 2-3 (5th Cir. July 26, 2018) (unpublished).