

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 17, 2022

Lyle W. Cayce
Clerk

No. 20-30450

FELIX A. PRICE,

Plaintiff—Appellant,

versus

NICHLOS SANDERS, *Colonel*; DARREL VANNOY, *Warden*;
SHANNON DEMARS, *Assistant Warden II, Camp D*; JAMES CRUZE,
Assistant Warden III at Camp D,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:20-CV-239

Before SOUTHWICK, GRAVES, and COSTA, *Circuit Judges*.

PER CURIAM:*

Felix A. Price, Louisiana prisoner # 91688, appeals the district court's dismissal without prejudice of his civil rights action after he failed to pay the applicable filing fee. The district court had previously concluded that,

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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pursuant to 28 U.S.C. § 1915(g), Price was not entitled to proceed in forma pauperis (IFP). Price asserts that his life and health have been placed in imminent danger as a result of his exposure to secondhand smoke from other prisoners making cigarettes of dried dip and illegal drugs, the risk of exposure to COVID-19, and the presence of lead-contaminated water in the prison. He has not made an adequate showing that he was in imminent danger of serious physical injury at the time that he filed his suit in district court, sought to proceed with his appeal, or filed his IFP motion. *See* § 1915(g); *Baños v. O'Guin*, 144 F.3d 883, 884-85 (5th Cir. 1998).

Because he has accumulated at least three strikes under § 1915(g), Price is reminded that he is barred from proceeding in forma pauperis 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 Baños*, 144 F.3d at 884. He is also warned that, regardless of the § 1915(g) bar, any frivolous, repetitive, or otherwise abusive filings that he files will invite the imposition of additional sanctions, which may include dismissal, monetary sanctions, or restrictions on his ability to file pleadings in this court or any court subject to this court's jurisdiction.

**AFFIRMED; REMINDED OF THREE STRIKES BAR;
ADDITIONAL SANCTION WARNING ISSUED.**