

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 2, 2021

Lyle W. Cayce
Clerk

No. 20-40007
Summary Calendar

CURTIS LEE SHEPPARD, JR.,

Plaintiff—Appellant,

versus

KEMPT, *Assistant Warden*; WATSON, *Law Library Clerk*; C.
MARTINEZ, *Step 2 Coordinator*; M. PRICE, *Investigator III*; V.
MATLOCK, *Investigator II*; S. SMITH, *Law Library Supervisor,*

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:19-CV-567

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

PER CURIAM:*

Curtis Lee Sheppard, Jr., Texas prisoner # 1656666, moves this court for authorization to proceed in forma pauperis (IFP) following the district court's dismissal of his 42 U.S.C. § 1983 complaint pursuant to the three

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

strikes provision of 28 U.S.C. § 1915(g). Because he has failed to show that he should be allowed to proceed IFP on appeal under § 1915(g), *see Banos v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998), Sheppard's motion for leave to proceed IFP is denied.

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.

MOTION DENIED; APPEAL DISMISSED.