

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20909
Conference Calendar

DONNY J. HARVEY,

Plaintiff-Appellant,

versus

W.J. ESTELLE, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-81-2240
- - - - -

March 21, 1995

Before GARWOOD, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Donny Joel Harvey files a motion for indefinite stay of proceedings in an appeal from the dismissal of a civil rights suit. More than two months before the dismissal, this court sanctioned Harvey, stating:

We accordingly bar Harvey from filing any civil appeal in this Court or any initial pleading in any court subject to the jurisdiction of this Court without the advance written permission of a judge of the forum court or of this Court . . . ; and we direct the clerk of this Court and the clerks of all federal district courts in this Circuit to return to Harvey, unfiled, any attempted submission inconsistent with this bar

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

. . . .

Harvey v. Turnbo, Nos. 94-10180 & 94-10439, slip op. at 8 (5th Cir. Aug. 24, 1994) (unpublished). Harvey did not seek the permission specified in the foregoing opinion prior to filing the appeal of the district court's dismissal. Even though the district court granted Harvey leave to appeal in forma pauperis, such a grant is not the advance written permission that is sufficient to overcome the bar to filing.

Accordingly, we dismiss the instant appeal as having been filed improvidently and dismiss the instant motion as moot. In doing so, we add the following to the sanction imposed in Harvey v. Turnbo: Before filing any appeal or other action in this court, Harvey shall submit to the clerk of this court a request for permission to file, which the clerk shall direct to an active judge of this court. In requesting the required permission in this court or in any district court in this circuit, Harvey shall inform the court of the bar stated in Harvey v. Turnbo and in this opinion.

APPEAL DISMISSED; MOTION DISMISSED.