

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30609
Conference Calendar

PERCY BARTLEY,

Plaintiff-Appellant,

versus

RICHARD L. STALDER; ELLA L. FLETCHER;
JOHN P. WHITLEY, Warden; LOUISIANA
STATE PENITENTIARY; EDMUNDO GUTIERREZ,

Defendants-Appellees.

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Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 94-CV-2714
- - - - -

April 9, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Percy Bartley, a Louisiana inmate (# 76966), is BARRED from proceeding in forma pauperis ("IFP") under the Prison Litigation Reform Act of 1995 ("PLRA") because, on at least three prior occasions while incarcerated, Bartley has brought an action or appeal in a United States court that was dismissed as frivolous. See Bartley v. Sullivan, No. 96-30852 (5th Cir. Jan. 7, 1997) (unpublished; appeal of dismissal of civil rights complaint as

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

frivolous under 28 U.S.C. § 1915(d)); Bartley v. Stalder, No. 96-30039 (5th Cir. Apr. 17, 1996) (unpublished; dismissal of appeal as frivolous, following dismissal of civil rights complaint as frivolous); 28 U.S.C. § 1915(g); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Bartley may not proceed IFP in any civil action or appeal filed while he is in prison unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Bartley's motion to proceed IFP on appeal is DENIED, and the appeal is DISMISSED.

Bartley has 15 days from the date of this opinion to pay the full appellate filing fee of \$105 to the clerk of the district court, should he wish to reinstate his appeal.

IFP MOTION DENIED; APPEAL DISMISSED.