

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10142
Conference Calendar

BILLY WAYNE HORTON,

Plaintiff-Appellant,

versus

WARDEN HUDSON; LESLIE
WAGES; MRS. SANDERS;
RALPH HENSLEY, also known
as John Doe,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:94-CV-6-J
- - - - -

February 10, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Texas prisoner Billy Wayne Horton, No. 541200, is BARRED from proceeding in forma pauperis (IFP) under the Prison Litigation Reform Act of 1995 (PLRA) because, while incarcerated, Horton has brought at least three prior actions in the United States district courts that were dismissed as frivolous and such dismissals were affirmed by this court. See Horton v. Wright, No. 92-1643 (5th Cir. Mar. 16, 1993); Horton v. County of Dallas, No. 92-1580 (5th Cir. Apr. 20, 1993); Horton v. Bowles, No. 95-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

10133 (5th Cir. Aug. 25, 1995). See 28 U.S.C. § 1915(g); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996).

Accordingly, Horton's IFP status is DECERTIFIED, and he 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). The appeal is DISMISSED.

Should he wish to reinstate his appeal, Horton 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.

Horton's motion for the preparation of a transcript at government expense is DENIED as moot.

IFP DECERTIFIED; APPEAL DISMISSED.