

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40713
Conference Calendar

VERNON KING, JR.,

Plaintiff-Appellant,

versus

T. H. WARREN, Etc., ET AL.,

Defendants,

T. H. WARREN, CAPTAIN, MICHAEL UNIT INDIVIDUALLY AND IN OFFICIAL CAPACITY; MICHAEL A. WILSON, WARDEN, MICHAEL UNIT INDIVIDUALLY AND IN OFFICIAL CAPACITY; D. K. BEVINS, WARDEN, MICHAEL UNIT INDIVIDUALLY AND IN OFFICIAL CAPACITY; F. M. TURNER, NURSE, MICHAEL UNIT INDIVIDUALLY AND IN OFFICIAL CAPACITY; D. L. HAYES, COMMANDING OFFICER, MICHAEL UNIT INDIVIDUALLY AND IN OFFICIAL CAPACITY;; S. STEVEN SUB COUNSEL, INDIVIDUALLY AND IN OFFICIAL CAPACITY; D. CARROLL, SUB COUNSEL, MICHAEL UNIT INDIVIDUALLY AND IN OFFICIAL CAPACITY,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:97-CV-389
- - - - -

April 10, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

In a prior appeal, this court determined that Texas prisoner Vernon King, Jr., No. 590316, is BARRED from proceeding *in forma pauperis* (IFP) under the Prison Litigation Reform Act of 1995

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(PLRA) because, on at least three prior occasions while incarcerated, King has brought an action or appeal in a United States court that was dismissed as frivolous. King v. Walker, No. 97-40830 (5th Cir. February 10, 1998); see 28 U.S.C. § 1915(g); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Accordingly, King's IFP status is DECERTIFIED. 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.

King 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 DECERTIFIED; APPEAL DISMISSED.