

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60589
Conference Calendar

GARRY LEE MOORE; JERRY
LEE QUINN,

Plaintiffs-Appellants,

versus

H. E. COOPER, JR.; LAWANDA
IRBY MORRIS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:96-CV-126 D-D
- - - - -

February 10, 1998

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

PER CURIAM:*

Garry Lee Moore, Mississippi prisoner # 46504, and former prisoner Jerry Lee Quinn request leave to proceed in forma pauperis (IFP) in their appeal from the district court's denial of Moore's Fed. R. Civ. P. 60(b) motion. Quinn did not sign the Rule 60(b) motion, and thus, he was not a party to the motion. His appeal from the district court's denial of the motion is without basis in law or fact and, thus, frivolous. Howard v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

King, 707 F.2d 215, 219-20 (5th Cir. 1983). His request for IFP is DENIED. The appeal as to Quinn is DISMISSED.

Moore is BARRED from proceeding IFP under the Prison Litigation Reform Act of 1995 (PLRA) because, on at least three prior occasions while incarcerated, Moore has brought an action or appeal in a United States court that was dismissed as frivolous. 28 U.S.C. § 1915(g); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Accordingly, 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). Moore's request for IFP is DENIED, and the appeal as to Moore is also DISMISSED.

Moore has 30 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 DENIED. APPEAL DISMISSED.