

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-11098  
Conference Calendar

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JOE LOUIS BOOKER, JR.,

Plaintiff-Appellant,

versus

MIKE CATER,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:98-CV-1999  
- - - - -

April 15, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Joe Louis Booker, Jr., Texas prisoner # 773213, is BARRED from proceeding *in forma pauperis* (IFP) under the Prison Litigation Reform Act (PLRA), 28 U.S.C. § 1915(g), because, on at least three prior occasions while incarcerated, Booker has brought an action or appeal in a court of the United States that was dismissed as frivolous or for failure to state a claim upon which relief could be granted. See Booker v. Worsham, No. 96-40851 (5th Cir. November 29, 1996)(unpublished; dismissal of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal as frivolous in case dismissed by the district court as frivolous, so counts as two strikes); see Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996); see also Booker v. Elder, No. 4:96cv157 (E.D. Tex. October 8, 1996)(unpublished; adoption of magistrate judge's recommendation that suit be dismissed as frivolous) and Booker v. Driscoll, No. 4:96cv317 (E.D. Tex. December 16, 1996)(same); see Adepegba, 103 F.3d at 387. One Texas district court has already dismissed a civil rights complaint filed by Booker on the three-strikes rule. See Booker v. Milloy, No. H-98-CV-2885 (S.D. Tex. November 16, 1998).

Accordingly, Booker'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. See § 1915(g). The appeal is DISMISSED.

Booker 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.