

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40139
Conference Calendar

ROBERT LAMARR ALLEN,

Plaintiff-Appellant,

versus

KARL BROWN, Sergeant, Coffield Unit
Individually and in official capacity; ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:97-CV-930
- - - - -

December 9, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Robert Lamarr Allen, Texas state prisoner # 636644, 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, Allen 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 See Allen v. Price, No. 96-40697 (5th Cir. Nov. 7, 1996) (unpublished; affirmance by this court of the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court's dismissal of Allen's civil rights complaint as frivolous; counts as one strike); Allen v. Price, No. 95-40984 (5th Cir. June 26, 1996) (unpublished; affirmance by this court of the district court's dismissal of Allen's civil rights complaint as frivolous; counts as second strike); Allen v. Klevenhagen, No. 95-20271 (5th Cir. Oct. 17, 1995) (unpublished; affirmance by this court of the district court's dismissal of Allen's civil rights complaint as frivolous; counts as third strike); see Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996).

Accordingly, Allen'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.

Allen 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.