

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50104
Conference Calendar

GARY R. WALP,

Plaintiff-Appellant,

versus

DON G. TURNER; MICHAEL L. ALSTON,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CV-218
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Gary R. Walp, Texas prisoner #314299, is BARRED from proceeding in forma pauperis (IFP) under the Prison Litigation Reform Act (PLRA) because, on at least three prior occasions while incarcerated, Walp has brought an action or appeal in a United States Court that was dismissed as frivolous or for failure to state a claim upon which relief could be granted. See Walp v. Rodriguez, No. 97-11230 (5th Cir. Apr. 8, 1998) (unpublished; dismissal of appeal as frivolous counts as one

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

strike); see 28 U.S.C. § 1915(g); see Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996); see Walp v. Bozarth, No. 97-10172 (5th Cir. Feb. 19, 1998)(unpublished; dismissal of appeal as frivolous in case dismissed by the district court for failure to state claim counts as two strikes); see Adepegba, 103 F.3d at 388. Accordingly, Walp'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.

Walp 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.