

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10678
Conference Calendar

DONALD R. FRANK,

Plaintiff-Appellant,

versus

GARY BROWN, Jones County
District Attorney,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:98-CV-138-C
- - - - -

April 14, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Donald R. Frank, Texas prisoner # 208829, is BARRED from proceeding in forma pauperis (IFP) under the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), because, on at least three prior occasions while incarcerated, Frank 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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

be granted. Frank v. Garner, No. 96-40375 (5th Cir. July 31, 1996) (affirming district court's dismissal of his civil rights suit as frivolous); Frank v. Reno, No. 1:97-CV-165-C (N.D. Tex. Aug. 6, 1997) (dismissing writ of mandamus as frivolous and for failure to state a claim upon which mandamus may issue); and Frank v. Calhoun, No. 6:98-CV-128 (E.D. Tex. Apr. 23, 1998) (dismissing as frivolous 28 U.S.C. § 1983 action against state court judge).

Accordingly, Frank's IFP status is DECERTIFIED, and he may not bring a civil action or appeal a judgment in a civil action or proceeding under § 1915 while incarcerated or detained in any facility, unless he is under imminent danger of serious physical injury. See § 1915(g). The appeal is DISMISSED.

Frank 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.