

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20208
Conference Calendar

ROY JON,

Plaintiff-Appellant,

versus

WAYNE SCOTT; FRANK HOKE;
FERNANDO FIGUERO,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-117
- - - - -

December 16, 1999

Before JOLLY, HIGGINBOTHAM, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Roy John, Texas prisoner # 626840, appeals from the district court's dismissal of his 42 U.S.C. § 1983 civil rights complaint as barred by 28 U.S.C. § 1915(g). On at least three prior occasions while incarcerated, Jon has brought an action or appeal in a United States court that was dismissed as frivolous.

See Jon v. Price, No. 97-40884 (5th Cir. Mar. 18, 1998)

(unpublished). Accordingly, the district court did not err by employing the three-strikes bar under § 1915(g). Moreover, Jon

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

failed to allege in his initial complaint and request to proceed in forma pauperis in the district court any imminent danger of serious physical injury, dental or otherwise. The district court's decision that Jon failed to qualify for the "imminent danger" exception to the § 1915(g) bar also was not in error.

Jon's appeal of the district court's decision is without merit and is thus frivolous. See Howard v. King, 717 F.2d 215, 219-20 (5th Cir. 1983). His appeal is therefore DISMISSED.

Jon's pending request for the appointment of counsel on appeal is DENIED. His Motion for Judicial Duty and his Motion for Interlocutory Ex Parte Injunction also are DENIED.

APPEAL DISMISSED; MOTIONS DENIED.