

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

March 24, 2008

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No. 07-41184  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

ANDRE DAVID LEFFEBRE,

Plaintiff - Appellant.

v.

FEDERAL CORPORATION UNITED STATES; UNITED STATES FEDERAL  
CORPORATION; USA INC; US INC, PRIVATE AND ASSOCIATE AGENTS,

Defendants - Appellees.

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Appeal from the United States District Court,  
Southern District of Texas  
USDC No. 3:07-CV-519

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Before JONES, Chief Judge, and CLEMENT and SOUTHWICK, Circuit Judges.  
PER CURIAM:\*

Andre Leffebvre, an inmate confined at the United States Penitentiary at  
Beaumont, Texas, proceeding pro se and in forma pauperis, appeals the  
dismissal of his suit for damages arising from his conviction and incarceration  
of being a felon in possession of a firearm. That conviction has not been  
reversed, expunged, invalidated, or called into question by the issuance of a writ

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 R. 47.5, the court has determined that this opinion should not  
be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of habeas corpus, and the district court properly dismissed the instant action for failure to state a claim upon which relief may be granted. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Leffebvre's appeal is frivolous and without arguable merit, and is accordingly dismissed. See 5TH CIR R. 42.2.

The district court's dismissal of Leffebvre's action and this Court's dismissal of his appeal count as two strikes under 28 U.S.C. § 1915(g). See *Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996). Leffebvre accumulated additional strikes for the dismissal of similar claims in *Leffebvre v. Carter*, No. 3:06-CV-149 (S.D. Tex., Nov. 26, 2007) and *Leffebvre v. Cothren*, No. 3:06-CV-150 (S.D. Tex., Nov. 26, 2007). As Leffebvre has now accumulated at least three strikes under § 1915, he is barred from proceeding in forma pauperis while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. See § 1915(g).

APPEAL DISMISSED; 28 U.S.C. § 1915(G) BAR IMPOSED.