

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2011

Lyle W. Cayce
Clerk

No. 10-20619

Summary Calendar

GERALD ALLEN PERRY,

Plaintiff-Appellant

v.

JOHN B. HOLMES, Former District Attorney of Harris County; STEVE
BALDASSANO, Former Assistant District Attorney of Harris County; BOYOL
SMITH, Sergeant; K.R. WILLIAMSON, Sergeant,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-3865

Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

Gerald Allen Perry, Texas prisoner # 644896, has been barred from proceeding in forma pauperis (IFP) under 28 U.S.C. § 1915(g) because, on at least three prior occasions while incarcerated, he 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 Perry v. Johnson*,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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No. 5:01-CV-00165 (E.D. Tex. July 31, 2003) (unpublished); *Perry v. Holmes*, No. 05-20137 (5th Cir. Nov. 1, 2005) (unpublished). Furthermore, Perry has not alleged that he is “under imminent danger of serious physical injury.” § 1915(g). Thus, the district court improvidently granted Perry leave to proceed IFP on appeal.

Accordingly, Perry’s IFP status is decertified, and the appeal is dismissed. Perry has 15 days from the date of this opinion to pay the full appellate filing fee to the clerk of the district court, should he wish to reinstate his appeal. Perry’s request for the production of transcripts at government expense is denied.

IFP DECERTIFIED; APPEAL DISMISSED; MOTION FOR
TRANSCRIPTS AT GOVERNMENT EXPENSE DENIED.