

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

No. 18-11489

United States Court of Appeals
Fifth Circuit

FILED

June 5, 2019

Lyle W. Cayce
Clerk

CURTIS LEE SHEPPARD, JR.,

Plaintiff-Appellant

v.

JUDGE REED O'CONNOR, United States District Judge; E. SCOTT FROST, United States Magistrate Judge; MARCIA A. CRONE, United States District Judge; ZACK HAWTHORN, Magistrate Judge; MICHAEL H. SCHNEIDER, United States District Judge; K. NICOLE MITCHELL, Magistrate Judge,

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:18-CV-155

Before OWEN, WILLETT, and OLDHAM, Circuit Judges.

PER CURIAM:*

Curtis Lee Sheppard, Jr., Texas prisoner # 1656666, moves this court for authorization to proceed in forma pauperis (IFP) following the district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint. Because he has failed to show that he should be allowed to proceed IFP on appeal under 28 U.S.C. § 1915(g), *see Banos v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998),

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Sheppard's motion for leave to proceed IFP is denied. His motion for the appointment of counsel is also denied.

The facts surrounding the IFP decision are inextricably intertwined with the merits of the appeal. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997). The appeal presents no nonfrivolous issues and is dismissed as frivolous. 5TH CIR. R. 42.2.

MOTIONS DENIED; APPEAL DISMISSED.