

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10832
Conference Calendar

ALFRONZO BROWN,

Plaintiff-Appellant,

versus

BILL LONG; LELLIAN LOUIS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:96-CV-909-D
- - - - -

February 10, 1998

Before SMITH, EMILIO M. GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

The district court granted Alfronzo Brown, Texas prisoner # 627935, leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his 42 U.S.C. § 1983 complaint as frivolous. However, a prisoner may not

bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

28 U.S.C. § 1915(g). We note that Brown had at least three strikes against him under § 1915(g) prior to the district court's dismissal of his § 1983 complaint. See Brown v. Thompson, No. 96-20538 (5th Cir. Aug. 22, 1996) (dismissing as frivolous appeal from district court's dismissal as frivolous, counts as two strikes); Brown v. Mays, No. 96-10455 (5th Cir. June 27, 1996) (dismissing as frivolous appeal from district court's dismissal as frivolous, counts as two strikes); Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Therefore, except for cases involving an imminent danger of serious physical injury, Brown may not proceed IFP. This appeal is DISMISSED. Brown may reinstate this appeal by paying the full appellate filing fee of \$105 to the clerk of the district court within 30 days from the date of this opinion.

DISMISSED.