

United States Court of Appeals
for the Fifth Circuit

No. 20-10762

United States Court of Appeals
Fifth Circuit

FILED

September 28, 2021

Lyle W. Cayce
Clerk

JOSEPH WAYNE HUNTER,

Plaintiff—Appellant,

versus

FELICIA PITRE, *District Clerk of Court of Dallas, County TX*; PHOEBE BOWMAN, *as heir to Billy D. White*; TRABIAN K. GREER; SCOTT B. PREWETT; BEN ABBOTT; ASSOCIATES, P.L.L.C.; DISTRICT CLERK OF COURTS,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:17-CV-1093

Before JONES, DUNCAN, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Joseph Wayne Hunter, Texas prisoner # 1981619, moves to appeal in forma pauperis (IFP) from the dismissal, under 28 U.S.C. § 1915(e)(2)(B), of his civil rights action brought under 42 U.S.C. § 1983. When Hunter filed

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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this appeal, he had at least three strikes under § 1915(g). *See Hunter v. James*, 717 F. App'x 500, 501 (5th Cir. 2018); *Hunter v. Watkins*, No. 3:14-CV-1536 (N.D. Tex. June 6, 2014); *Hunter v. Watkins*, No. 3:14-CV-1894, (N.D. Tex. July 6, 2016) (ultimately dismissing all claims as legally frivolous). Accordingly, Hunter is barred from appealing IFP unless he “is under imminent danger of serious physical injury.” § 1915(g); *see Banos v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998). Hunter does not argue, and nothing suggests, that he is under any danger of physical injury. Accordingly, we apply the bar of § 1915(g).

Furthermore, Hunter identifies no nonfrivolous issue for appeal. His appeal is therefore dismissed as frivolous. *See* 5TH CIR. R. 42.2; *Hale v. Harrison Cnty. Bd. of Supervisors*, 8 F.4th 399, 401 (5th Cir. 2021); *Rogers v. Boatwright*, 709 F.3d 403, 407 (5th Cir. 2013).

Hunter is reminded that he remains barred by § 1915(g) from proceeding IFP in any civil action or appeal unless he is under imminent danger of serious physical injury, and he is warned that any pending or future frivolous or repetitive filings will subject him to additional sanctions, including monetary sanctions and limits on his access to this court and any court subject to this court's jurisdiction. He is directed to review all pending matters and move to dismiss any that are frivolous, repetitive, or otherwise abusive.

THREE STRIKES BAR APPLIED; IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.