

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

October 4, 2021

Lyle W. Cayce
Clerk

No. 21-10060

THOMAS WAYNE FLORENCE,

Plaintiff—Appellant,

versus

DEBRA GIBBS; TINA VITOLA; CASE MANAGER DAVIS;
DIRECTOR, *TDCJ-CID*,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:20-CV-154

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

PER CURIAM:*

Thomas Wayne Florence, Texas prisoner # 1729344, moves this court for authorization to proceed in forma pauperis (IFP) following the district court's dismissal of his 42 U.S.C. § 1983 complaint pursuant to the three strikes provision of 28 U.S.C. § 1915(g). Because he has failed to show that

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-10060

he should be allowed to proceed IFP on appeal under § 1915(g), *see Baños v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998), Florence's motion for leave to proceed IFP is denied.

Moreover, Florence's appeal from the district court's dismissal of his action as barred under § 1915(g) is frivolous. *See* 5TH CIR. R. 42.2; *Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997).

MOTION DENIED; APPEAL DISMISSED.