

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 23, 2021

Lyle W. Cayce
Clerk

No. 21-40009
Summary Calendar

MICHAEL CARDORA ROBERSON,

Plaintiff—Appellant,

versus

SERGEANT EVELYN CASTRO, *Warden II, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
JOHN R. DELAPP, JR., *Major of Corr Off, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
CHRISTIE L. GARCIA, *Cat of Corr Off, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
DERRICK A. MARTIN, *Sergeant of Corr Off, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
DAVID G. DOUGHERY, JR., *Sergeant of Corr Off, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
SKINNER C. STURGIS, *Cat of Corr Off, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
BENJAMIN P. BRAKO, *Sergeant of Corr Off, Individually in their personal capacity for money damages and in their official capacities, for injunction;*
GENE E. MILLER, *Assistant Warden, Individually in their personal capacity for money damages and in their official capacities, for injunction,*

Defendants—Appellees.

No. 21-40009

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 2:20-CV-223

Before ELROD, OLDHAM, and WILSON, *Circuit Judges*.

PER CURIAM:*

Michael Cardora Roberson, Texas prisoner # 2167695, has filed a motion for leave to proceed in forma pauperis (IFP) on appeal as a sanctioned litigant following the district court's dismissal pursuant to 28 U.S.C. § 1915(g) of his 42 U.S.C. § 1983 action. Roberson argues, without elaboration, that he faces an imminent danger of serious physical injury. His speculative and conclusory allegation is insufficient to make the showing required to avoid application of the three strikes bar under § 1915(g). *See Baños v. O'Guin*, 144 F.3d 883, 884-85 (5th Cir. 1998).

Accordingly, Roberson's motion for leave to proceed IFP on appeal is DENIED. For the same reasons, his appeal from the district court's dismissal of his § 1983 complaint is frivolous and is DISMISSED. *See 5TH CIR. R. 42.2; Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997). Roberson is WARNED that frivolous, repetitive, or otherwise abusive filings will invite the imposition of other sanctions, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction. *See Coghlan v. Starkey*, 852 F.2d 806, 817 n.21 (5th Cir. 1988).

* 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.