

United States Court of Appeals
for the Fifth Circuit

No. 26-10092

United States Court of Appeals
Fifth Circuit

FILED

October 23, 2026

Thomas B. Plunkett, III
Clerk

JOSHUA KNIGHT,

Plaintiff—Appellant,

versus

PHIL SORRELLS; ANTHONY “NEAL” MARANTO; DFW
INTERNATIONAL AIRPORT; MATTIE PARKER; ERIC JOHNSON, *Et*
al.,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:25-CV-1238

Before STEWART, RICHMAN, and HAYNES, *Circuit Judges*.

PER CURIAM:*

Joshua Knight, Texas prisoner # 687600, moves for leave to proceed in forma pauperis (IFP) from the dismissal of his civil rights complaint. He argues that the district court erred by denying leave to file a second amended complaint and by dismissing his suit under 28 U.S.C. § 1915(e)(2)(B)(ii) and 28 U.S.C. § 1915A(b)(1) for failure to state a claim. Through his IFP motion,

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Knight challenges the district court's determination that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our "inquiry is limited to whether the appeal involves 'legal points arguable on their merits (and therefore not frivolous).'" *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (citation omitted).

Knight does not substantively attempt to show how the factual allegations contained in his amended complaint state a valid cause of action, nor does he cite with specificity any additional facts that he could allege to support his claims were he granted another opportunity to amend; indeed, he concedes that he lacks the requisite knowledge and is incapable of supporting his claims with the necessary facts. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). He thus fails to identify a nonfrivolous issue for appeal. *See Howard*, 707 F.2d at 220. Accordingly, the IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. Knight's motion to suspend rules and his request for appointment of counsel are also DENIED.

The district court's dismissal for failure to state a claim and our dismissal as frivolous both count as strikes for purposes of § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996), *abrogated in part on other grounds by Coleman v. Tollefson*, 575 U.S. 532, 537 (2015). Knight has also accrued a prior strike. *See Knight v. Vergas*, No. 7:24-cv-284 (W.D. Tex. Jan. 16, 2025) (unpublished). As he now has three strikes, Knight is BARRED from proceeding IFP in any civil action or appeal filed in a court of the United States while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g). He is WARNED that any pending or future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction may subject him to additional sanctions, and he is DIRECTED to review all

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pending matters and move to dismiss any that are frivolous, repetitive, or otherwise abusive.