

United States Court of Appeals for the Fifth Circuit

No. 20-10195
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
November 17, 2020

Lyle W. Cayce
Clerk

ROSS THOMAS BRANTLEY, III,

Plaintiff—Appellant,

versus

CITY OF FORT WORTH; RICHARD A. HENDERSON; JUDGE
ELIZABETH BEACH,

Defendants—Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:19-CV-74

Before WIENER, SOUTHWICK, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Ross Thomas Brantley, III, Texas prisoner # 1851307, filed a 42 U.S.C. § 1983 complaint asserting claims related to prior state criminal proceedings. The district court dismissed the complaint pursuant to 28

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

U.S.C. § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(ii), and it denied a postjudgment motion. Brantley now appeals. He has also filed a motion for leave to file exhibits, which we grant.

As a threshold matter, we conclude that Brantley’s notice of appeal is timely only with respect to his postjudgment motion and that our jurisdiction is therefore limited to reviewing the denial of that motion. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 16-17 (2017); 28 U.S.C. § 2107(a). To the extent that his brief can be liberally construed as addressing that denial, Brantley fails to demonstrate that the district court erred. *See Webb v. Davis*, 940 F.3d 892, 899 (5th Cir. 2019); *Norris v. Causey*, 869 F.3d 360, 366 (5th Cir. 2017); *Jackson v. FIE Corp.*, 302 F.3d 515, 521-22 (5th Cir. 2002).

The district court’s dismissal counts as a strike under 28 U.S.C. § 1915(g), and Brantley has two other strikes based on the dismissal of previous civil actions. Because Brantley has accumulated three strikes under § 1915(g), he is now barred from proceeding in forma pauperis in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g).

AFFIRMED; motion GRANTED; § 1915(g) bar IMPOSED.