

United States Court of Appeals
for the Fifth Circuit

No. 22-10641

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2022

Lyle W. Cayce
Clerk

LAWRENCE EDWARD THOMPSON,

Plaintiff—Appellant,

versus

ALLRED UNIT,

Defendant—Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:22-CV-18

Before KING, JONES and SMITH, *Circuit Judges.*

PER CURIAM:*

Lawrence Edward Thompson, Texas prisoner # 408167, moves for leave to appeal in forma pauperis (IFP) from the dismissal of his civil action as barred under 28 U.S.C. § 1915(g). Thompson asserts that inadequate treatment for a bacterial infection and cold temperatures in his cell block put him in imminent danger of serious physical injury. His allegations regarding

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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the bacterial infection are merely disagreements with his treatment and do not allege an imminent danger of serious physical injury. *See Baños v. O'Guin*, 144 F.3d 883, 885 (5th Cir. 1998). Thompson's conclusory and speculative assertions about his medical condition and conditions of confinement fail to allege that he faced imminent danger of serious physical injury at the time that he filed his complaint, appeal, or IFP motion. *Id.* Thompson has not shown that he is entitled to proceed IFP on appeal. *See* § 1915(g). He has also not shown that the district court erred by dismissing the complaint without prejudice based on the three strikes bar. *See Baños*, 144 F.3d at 885.

Thompson's IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997); 5TH CIR. R. 42.2.

Thompson is reminded that, because he has three strikes, he is barred from proceeding IFP 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). He is also WARNED that any pending or future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction will subject him to additional sanctions. *See Coghlan v. Starkey*, 852 F.2d 806, 817 n.21 (5th Cir. 1988).