

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 17, 2023

Lyle W. Cayce  
Clerk

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No. 22-20406

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JERRY WILSON, *also known as* STEVE VIC PARKER,

*Plaintiff—Appellant,*

*versus*

WILLIAM STEPHENS; BRAD LIVINGSTON; JONI WHITE;  
CHARLEY VALDEZ; P. S. BAGGETT; PROGRAM SPECIALIST RUDI  
MARTINEZ,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:13-CV-3522

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Before WIENER, ELROD, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Plaintiff Jerry Wilson, also known as Steve Vic Parker, moved to “re-vive” a default judgment he says he obtained. The district court denied the motion, explaining that his original complaint was dismissed without prejudice because he was previously barred from filing any prisoner *pro se* filing for violating the three-strike rule contained in 28 U.S.C. § 1915(g). *See Wilson v.*

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

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*Stephens*, No. 4:13-CV-3522, ECF 62 (S.D. Tex. July 20, 2022); *see also id.* ECF 15 (July 15, 2014) (dismissing the original complaint). Wilson appeals the denial of that motion and moves to proceed *in forma pauperis*.

The district court was correct that there is no judgment to be revived because Wilson's complaint was dismissed. We are therefore required to dismiss the appeal as frivolous because Wilson fails to present an issue that is arguable on the merits. 28 U.S.C. § 1915(e)(2)(B)(i); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

DISMISSED.

The motion to proceed *in forma pauperis* is DENIED AS MOOT.