

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 14-20495  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 29, 2016

Lyle W. Cayce  
Clerk

ERNEST D. NEWMAN,

Plaintiff-Appellant

v.

EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE; DIRECTOR OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE-CORRECTIONAL INSTITUTIONS DIVISION; CHAPLAIN MARTIN, Chaplain of the Powledge Unit; WARDEN WHIET, Warden of the Powledge Unit; ASSISTANT WARDEN AULT, Assistant Warden of the Powledge Unit,

Defendants-Appellees

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 4:14-CV-2036

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Before REAVLEY, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:\*

Ernest D. Newman, Texas prisoner # 1892170, appeals the dismissal of his 42 U.S.C. § 1983 complaint as barred by 28 U.S.C. § 1915(g). Newman

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-20495

argues that the dismissal was improper because he was not proceeding in forma pauperis (IFP).

Newman does not challenge the district court's determination that he is subject to the § 1915(g) bar, and the record reflects that Newman never paid the filing fee in the district court. Because Newman is subject to the § 1915(g) bar, he may not proceed IFP without showing that his "is under imminent danger of serious physical injury." § 1915(g). Newman has failed to make that showing. Accordingly, the district court's judgment is **AFFIRMED**.