

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

United States Court of Appeals
Fifth Circuit

FILED

July 7, 2015

Lyle W. Cayce
Clerk

No. 14-20495
Summary Calendar

ERNEST D. NEWMAN,

Plaintiff-Appellant

v.

EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE; DIRECTOR OF THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE – CORRECTIONAL INSTITUTIONAL 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

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

Before DAVIS, CLEMENT, and COSTA, 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

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. UST47.5.4.

No. 14-20495

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

It is unclear from the record whether the district court knew that Newman had taken steps to obtain the filing fee from the Inmate Trust Fund. It is also unclear whether the district court received those funds. Accordingly, the case is REMANDED for the limited purpose of permitting the district court to determine whether the filing fee was paid. Upon ruling, the district court shall return the case to this court for dismissal or further proceedings, as may be appropriate.