

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

No. 14-40292
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 27, 2015

Lyle W. Cayce
Clerk

JIMMY DIAZ,

Plaintiff-Appellant

v.

POLICE CHIEF MARK WICKER; OFFICER ANDERSON BRANDON;
SERGEANT JESSE GARZA,

Defendants-Appellees

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 3:11-CV-545

Before PRADO, OWEN, and GRAVES, Circuit Judges.

PER CURIAM:*

Jimmy Diaz, Texas prisoner # 1737301, appeals the dismissal of his 42 U.S.C. § 1983 complaint. The district court dismissed Diaz's § 1983 complaint with prejudice as barred by the three-strikes provision in 28 U.S.C. § 1915(g).

Diaz does not address in his opening brief whether the district court erred in dismissing his complaint pursuant to § 1915(g). Even if we construe

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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his pleading entitled “Affidavit Relating To Previous Filings” as a timely filed reply brief, this does not help Diaz. Although we ordinarily do not consider arguments raised for the first time in a reply brief, *see United States v. Transocean Deepwater Drilling, Inc.*, 767 F.3d 485, 492 (5th Cir. 2014), we have done so in the instant case in light of Diaz’s pro se status and in the interests of justice. Diaz’s arguments do not show that the district court erred in imposing the § 1915(g) bar and dismissing his complaint.

The judgment of the district court is AFFIRMED. Diaz’s motion for appointment of counsel is DENIED. *See Jackson v. Dallas Police Dep’t*, 811 F.2d 260, 261 (5th Cir. 1986).