

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

No. 17-41086
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 9, 2018

Lyle W. Cayce
Clerk

MICHAEL DAVIS,

Plaintiff-Appellant

v.

GARY KING; FNU REED, Officer,

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:16-CV-52

Before JOLLY, COSTA, and HO, Circuit Judges.

PER CURIAM:*

Michael Davis, Texas prisoner # 2036732, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint against Tyler Police Department officers. On at least three prior occasions while incarcerated, Davis has brought an action or appeal in a court of the United States that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief could be granted. *See Davis v. Mills*, No. 6:16-cv-228 (E.D. Tex. Sept. 20, 2017); *Davis*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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v. Spears, No. 6:16-cv-231 (E.D. Tex. Aug. 7, 2017); *Davis v. Sutherland*, No. 6:16-cv-296 (E.D. Tex. May 31, 2017); *Davis v. King*, No. 6:16-cv-1055 (E.D. Tex. Nov. 13, 2016). He is therefore barred from proceeding in forma pauperis (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* 28 U.S.C. § 1915(g). Davis does not contend, nor does the record reflect, that he is under imminent danger of serious physical injury. *See id.* Therefore, the magistrate judge improvidently granted him leave to proceed IFP on appeal.

Accordingly, Davis's IFP status is decertified and the appeal is dismissed. Davis has 15 days from the date of this opinion to pay the full appellate filing fee to the clerk of the district court, should he wish to reinstate his appeal.

IFP DECERTIFIED; § 1915(g) BAR IMPOSED; APPEAL DISMISSED.