

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

No. 18-10226

United States Court of Appeals
Fifth Circuit

FILED
March 8, 2019

Lyle W. Cayce
Clerk

ALISHIA N. MORRIS,

Plaintiff-Appellant

v.

KERRY PIPER; NFN SMITHERMAN, Lubbock County Detention Center Jailor; D. HEARN, Lubbock County Detention Center Law Librarian; LIEUTENANT NFN LOPEZ, Lubbock County Detention Center; M. VENZOR; NFN HARX, Lubbock County Detention Center Sergeant,

Defendants-Appellees

Appeals from the United States District Court
for the Northern District of Texas
USDC No. 5:18-CV-6

Before JONES, ELROD, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Alishia N. Morris, while detained in the Lubbock County Detention Center, inmate # 111041, filed the instant civil rights complaint. The district court issued a transfer order transferring the case from Judge Barbara Lynn to the docket of Judge Sam Cummings. Morris filed two notices of appeal and a motion for leave to proceed in forma pauperis (IFP) on appeal.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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The district court denied Morris leave to proceed IFP and certified that the appeal was not taken in good faith because no action was taken by the district court on the dates referenced in the notices of appeal and because the district court had not entered any dispositive or otherwise appealable order. By moving to proceed IFP, Morris challenges the district court's certification that her appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Although Morris' notices of appeal state that she is appealing the orders entered on January 10, 2018, and January 11, 2018, because the only order that the district court had entered at the time she filed her notices of appeal was the transfer order, we construe her appeal to concern the transfer order. As we do not have jurisdiction to review the transfer order, *see Askanase v. Livingwell, Inc.*, 981 F.2d 807, 809-10 (5th Cir. 1993), her appeal is DISMISSED FOR LACK OF JURISDICTION. Her motion to proceed IFP on appeal is DENIED.

As we recognized on September 10, 2018, Morris has accumulated at least three strikes for purposes of 28 U.S.C. § 1915(g). *Morris v. Lubbock County Detention Center*, No. 17-11259, 2018 WL 4339783, at *1 (5th Cir. 2018); *Morris v. Texas Boys Ranch*, No. 18-10120, 2018 WL 4339879, at *1 (5th Cir. 2018); *Morris v. L.C.D.C.*, No. 18-10089, 2018 WL 4352093, at *1 (5th Cir. 2018). We have not applied the § 1915(g) bar here because Morris filed this appeal before the accumulation of three strikes. *See* §1915. However, we reiterate that Morris is barred under § 1915(g) from proceeding IFP in any civil action or appeal filed while she is incarcerated or detained in any facility unless she is under imminent danger of serious physical injury. *See* § 1915(g).