

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

United States Court of Appeals
Fifth Circuit

FILED

May 30, 2019

Lyle W. Cayce
Clerk

No. 18-40815
Summary Calendar

MASON JAMES,

Plaintiff - Appellant

v.

TERESA A. ANDERSON; HAZEL J. ENGLISH; A. WALKER; FRANCISCO
VILLAEGAS,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:17-CV-160

Before BARKSDALE, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Mason James, Texas prisoner # 670604, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint against several prison employees. On at least three prior occasions while incarcerated, James has filed 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 may be granted. *See*,

* Pursuant to 5th Cir. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Cir. R. 47.5.4.

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e.g., *James v. Fank*, 784 F. App'x 246 (5th Cir. 2018) (noting James was subject to the three-strikes bar); *James v. Hoel*, No. 7:02-CV-239 (N.D. Tex. Nov. 15, 2002); *James v. Hart*, No. 7:02-CV-192 (N.D. Tex. Sep. 23, 2002). Therefore, he is 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).

James totally failed in district court (and in his brief here made only conclusory assertions) to show that he is under the requisite imminent danger of serious physical injury. Therefore, the magistrate judge improvidently granted him leave to proceed IFP on appeal. See, *e.g.*, *Cloud v. Stotts*, 455 F. App'x 534, 535 (5th Cir. 2011).

Accordingly, James' IFP status is decertified, and his appeal is dismissed. Should he wish to reinstate his appeal, James has 30 days from the date of this opinion to pay the full appellate filing fee to the clerk of the district court.

IFP DECERTIFIED; 28 U.S.C. § 1915(g) BAR IMPOSED; APPEAL DISMISSED.