

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

United States Court of Appeals
Fifth Circuit

FILED

May 13, 2020

Lyle W. Cayce
Clerk

No. 19-60434

RICKY R. EWING,

Plaintiff–Appellant,

v.

DOCTOR J. BURKE, Wilkinson County Correctional Facility; N. REED,
HSA/Wilkinson County Correctional Facility,

Defendants–Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:19-CV-34

Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, Circuit Judges.

PER CURIAM:*

Ricky R. Ewing, Mississippi prisoner # 34353, seeks authorization to proceed in forma pauperis (IFP) following the district court’s dismissal without prejudice of his 42 U.S.C. § 1983 complaint and denial of leave to proceed IFP on appeal. Ewing has failed to show that he should be allowed to proceed IFP on appeal under 28 U.S.C. § 1915(g). *See Banos v. O’Guin*, 144 F.3d 883, 885 (5th Cir. 1998); *Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Ewing's motion for leave to proceed IFP is DENIED. For the same reason, his appeal from the district court's dismissal of his suit without prejudice as barred under § 1915(g) is frivolous and is DISMISSED. *See* 5TH CIR. R. 42.2; *Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997).