

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROBERT POOLER (#234804)

CIVIL ACTION

VERSUS

BURL CAIN, WARDEN, ET AL.

NO. 08-0442-RET-CN

O R D E R

The pro se plaintiff, Robert Pooler, DOC # 234804, has now filed a Notice of Appeal to the United States Court of Appeal for the Fifth Circuit, rec.doc.no. 54, from a non-final Report and Recommendation of this Court recommending dismissal of the above-captioned proceeding for failure of the plaintiff to pay the Court's filing fee. In connection with this Notice of Appeal, the plaintiff/appellant has neither paid the appellate filing fee nor has he moved to proceed in forma pauperis on appeal.


A review of the records of this Court reflects that the plaintiff has, on three or more prior occasions while incarcerated, brought actions or appeals in the federal district courts which have been dismissed as frivolous.¹ It is therefore clear, pursuant to the "three strikes" provision of 28 U.S.C. § 1915(g), that the plaintiff is barred from proceeding in forma pauperis on appeal in this case. Accordingly, the plaintiff is required to pay the full amount of the Court's appellate filing fee of \$455.00. Therefore;

IT IS ORDERED that the plaintiff/appellant is granted twenty (20)

¹ Cases or appeals filed by the plaintiff which have been dismissed by the federal courts as frivolous or for failure to state a claim include but are not limited to Robert Pooler v. Edward J. Larrission, et al., Civil Action No. 94-1563 (E.D. La.), Robert Pooler v. Kathleen Blanco, et al., Civil Action No. 07-0175-JVP-DLD (M.D. La.), and Robert Pooler v. James M. LeBlanc, et al., Civil Action No. 09-0293-RET-CN (M.D. La).

days from the date of this Order within which to pay \$455.00, the full amount of the Court's appellate filing fee. Failure to pay the filing fee within 20 days shall result in the dismissal of the plaintiff's appeal without further notice from the Court.

Baton Rouge, Louisiana, this 4th day of February, 2010.



RALPH E. TYSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT