

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-11085
Conference Calendar

RICHARD ALLEN SWARTZ,

Plaintiff-Appellant,

versus

EMPLOYEES OF TEXAS BOARD OF PARDON AND PAROLE;
ERIC TRAINER, Parole Officer; CECELIA ROY,
Parole Officer; DON CARTER, Supervisor,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:95-CV-2020-P
- - - - -

August 19, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

The motion by Richard Allen Swartz, Texas inmate #382337, to consolidate appeals is DENIED.

Swartz seeks to appeal in forma pauperis (IFP) the dismissal for frivolousness of his civil rights complaint. Swartz is BARRED by 28 U.S.C. § 1915(g) from proceeding IFP because, on at least three prior occasions while incarcerated, Swartz has brought an action or appeal in a United States Court that was

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

dismissed for frivolousness, for maliciousness, or for failure to state a claim upon which relief can be granted. See Patton v. Jefferson Correctional Ctr., 136 F.3d 458, 462-64 (5th Cir. 1998); Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996); see also Swartz v. Kennedy, No. 96-10982 (5th Cir. June 12, 1997) (unpublished) (two strikes); Swartz v. Texas Bd. of Pardons & Paroles, No. 96-11047 (5th Cir. June 12, 1997) (unpublished) (two strikes).

Accordingly, Swartz's IFP status is DECERTIFIED. He may not proceed IFP in any civil action or appeal filed while he is in prison unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). This appeal is DISMISSED.

Swartz has 15 days from the date of this opinion to pay the full appellate filing fee of \$105 to the clerk of the district court, should he wish to reinstate his appeal.

MOTION TO CONSOLIDATE DENIED. IFP DECERTIFIED. APPEAL DISMISSED.