

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 97-40217  
Conference Calendar

---

EDDIE TYLER,

Plaintiff-Appellant,

versus

M. DODSON, Captain; M.W. HALL, Warden;  
M. WEAR; JOHN GIBERT; G.J. JOHNSON,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-96-CV-306  
- - - - -

October 23, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:\*

Texas prisoner Eddie Tyler, No. 535926, is BARRED from proceeding in forma pauperis (IFP) under the Prison Litigation Reform Act of 1995 (PLRA) because, on at least three prior occasions while incarcerated, Tyler has brought an action or appeal in a United States court that was dismissed as frivolous. Tyler v. Scott, No. 96-40997 (5th Cir. Aug. 8, 1997)(affirmance of district court's dismissal of lawsuit as frivolous); Tyler v.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Scott, No. 96-10619 (5th Cir. Aug. 22, 1996)(same); Tyler v. Perez, No.96-40817 (5th Cir. Aug. 15, 1997) (voluntary dismissal of appeal from district court's dismissal of lawsuit as frivolous); see 28 U.S.C. § 1915(g); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Accordingly, Tyler's IFP status is DECERTIFIED, and 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).

Tyler has 15 days from the date of this order to pay the full appellate filing fee of \$105 to the clerk of the district court, should he wish to proceed with his appeal. Failure to pay the filing fee in full will result in dismissal of Tyler's appeal. See 5th Cir. R. 42.3.1.2.

IFP DECERTIFIED; APPEAL DISMISSED IF FULL FILING FEE NOT PAID.