

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41427
Conference Calendar

HIPOLITO QUINONES,

Plaintiff-Appellant,

versus

PAUL PACE, Major, Michael Unit; TERRAL WANNER,
Captain, Michael Unit; L.D. SHEPPARD, Lieutenant,
Michael Unit; RONNIE W. GATEWOOD,
Correctional Officer, Michael Unit,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:97-CV-478
- - - - -

April 9, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Hipolito Quinones, Texas inmate # 511282, 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, Quinones has brought an action or appeal in a United States Court that was dismissed as frivolous or for failure to state a claim upon which relief could be granted. See Quinones v. Jock, No. 96-41186 (5th Cir. Oct. 23,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1997) (unpublished; appeal of dismissal for frivolousness dismissed as frivolous counts as two strikes); see 28 U.S.C. § 1915(g); see Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996); see Quinones v. Mayfield, No. 6:95cv888 (E.D. Tex. Sept. 24, 1997)(dismissal for failure to state claim counts as strike when appeal is exhausted or waived); see Adepegba, 103 F.3d at 388. Accordingly, Quinones'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). The appeal is DISMISSED.

Quinones 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.

IFP DECERTIFIED; APPEAL DISMISSED.