

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50592
Conference Calendar

ARTURO SOLIS,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-98-CV-116

October 19, 1999

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:*

Arturo Solis, Texas prisoner #519192, has filed a motion to proceed in forma pauperis (IFP) to appeal the denial of his motion for leave to file a petition, which sought the entry of a final judgment pursuant to Fed. R. Civ. P 58 and 79(a). Because the district court granted Solis' motion to proceed IFP on appeal, this motion is DENIED as moot.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Solis has failed to present any argument, and he has cited no authority to suggest that the district court erred in denying his motion for leave. The appeal is frivolous and should be dismissed as such. 5TH CIR.

R. 42.2.

With the dismissal of this appeal as frivolous, along with the dismissal of Solis' appeals in Solis v. Harwell, No. 98-50287 and Solis v. Federal Grand Jury, No. 99-50113, Solis now has six "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Solis is reminded that he is barred from filing any civil action or appeal IFP unless he is under imminent danger of serious physical injury. § 1915(g).

DENY IFP AS MOOT; APPEAL DISMISSED.