

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-20944  
Conference Calendar

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LEE ANTHONY JOHNSON,

Plaintiff-Appellant,

versus

LIEUTENANT GOVERNOR OFFICE; MS MARY ANNE WILEY;  
FRED FIGUEROA, Warden; E D OWENS,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CV-3154  
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April 14, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Lee Anthony Johnson, Texas prisoner No. 290961, appeals the denial of his motion to appeal in forma pauperis (IFP) from the dismissal of a civil rights complaint for failure to comply with a prior district court sanction order. Because we find that there is no underlying appeal of the merits of the dismissal of the complaint, the motion for IFP is MOOT and this appeal is DISMISSED AS FRIVOLOUS.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

At least two cases filed by Johnson have been dismissed as frivolous in the district court. Johnson v. Alford, No. 93-CV-118 (E.D. Tex. March 17, 1994); Johnson v. Richards, No. 93-CV-524 (E.D. Tex. Dec. 13, 1994). The dismissal of the instant appeal thus counts as Johnson's third strike under the Prison Litigation Reform Act (PLRA). Johnson is barred from any further IFP proceedings in federal court unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g); see Adepegba v. Hammons, 103 F.3d 383, 385 (5th Cir. 1996).

IFP DENIED AS MOOT; APPEAL DISMISSED; APPELLANT BARRED; see 28 U.S.C. § 1915(g).