

FILED: April 19, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6453
(5:03-ct-00688-BO)

DAVID LEE SMITH

Plaintiff - Appellant

v.

STATE OF NORTH CAROLINA; MIKE EASLEY, GOVERNOR

Defendants - Appellees

ORDER

David Lee Smith has filed an application for leave to proceed on appeal without prepayment of fees. By order dated May 22, 2003, in appeal No. 03-6044, this court determined that Smith had filed three previous civil actions in federal court which were dismissed as frivolous, malicious, or for failing to state a claim upon which relief can be granted. Because Smith had reached the statutory limit for filing or appealing civil actions under the Prison Litigation Reform Act, the court denied

APPENDIX - C

Smith leave to proceed without prepayment of fees. See 28 U.S.C. § 1915(g).

Smith has not made a colorable showing that he is in imminent danger of serious physical injury. The court denies the application for leave to proceed without prepayment of fees.

The clerk shall notify Smith that this appeal will be dismissed if the \$505 filing and docketing fees are not paid in full to the Clerk of the District Court within 15 days from the date of this order.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

NO. 5:03-CT-688-BO

ORDER

FILED: July 24, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6453
(5:03-CT-00688-BO)

DAVID LEE SMITH,

Plaintiff - Appellant,

v.

STATE OF NORTH CAROLINA; MIKE EASLEY, GOVERNOR,

Defendants - Appellees.

O R D E R

Upon consideration of Smith's motion to reconsider the order denying leave to proceed under the Prison Litigation Reform Act, the court denies the motion for reconsideration. The court warns Smith that filing further frivolous appeals, motions, or petitions, including challenges to this court's May 22, 2003, order could result in the court ordering Smith to show cause why he should not be sanctioned.

Entered at the direction of the panel: Judge Motz, Judge Keenan, and Judge Floyd.

For the Court

/s/ Patricia S. Connor, Clerk

FILED: August 21, 2019

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 19-6453
(5:03-ct-00688-BO)

DAVID LEE SMITH

Plaintiff - Appellant

v.

STATE OF NORTH CAROLINA; MIKE EASLEY, GOVERNOR

Defendants - Appellees

O R D E R

The court dismisses this proceeding for failure to prosecute pursuant to Local
Rule 45.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk