

United States Court of Appeals
for the Fifth Circuit

No. 21-40920

United States Court of Appeals

Fifth Circuit

FILED

March 3, 2022

CURTIS LEE SHEPPARD, JR.,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

MICHAEL A. COLLUM; SPENCER LUCAS; DEREK LIGHT;
RICHARD J. BABCOCK; CHARLES O. MEADOR, II,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:21-CV-55

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of March 3, 2022, for want of prosecution. The appellant failed to timely comply with this court's notice of January 5, 2022.



A True Copy
Certified order issued Mar 03, 2022

Lyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

No. 21-40920

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

Christina Gardner

By: _____
Christina A. Gardner, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CURTIS LEE SHEPPARD, JR.,

Plaintiff,

V.

Case No. 6:21-cv-55-JDK-KNM

MICHAEL COLLUM, et al.,

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Curtis Lee Sheppard, Jr., a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

On March 24, 2021, Judge Mitchell issued a Report and Recommendation recommending that the Court dismiss this case with prejudice as an **in forma pauperis** case, but without prejudice to refiling without seeking **in forma pauperis** status and upon payment of the full filing fee. Docket No. 5. The Magistrate Judge observed that Plaintiff had a lengthy history of filing frivolous lawsuits and consequently is barred from seeking **in forma pauperis** status except upon a showing of imminent danger of serious physical injury at the time of the filing of the lawsuit. 28 U.S.C. §1915(g). Plaintiff objected. Docket No. 8.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 5) as the opinion of the District Court. Plaintiff's claims are **DISMISSED**, with prejudice for purposes of proceeding *in forma pauperis* under 28 U.S.C. § 1915(g), but without prejudice as to the refiling of his lawsuit without seeking *in forma pauperis* status. Finally, if Plaintiff pays the full filing fee within fifteen days of this Order, the lawsuit shall proceed as though the full filing fee had been paid from the outset.

So ORDERED and SIGNED this 15th day of November, 2021.



JEREMY D. KERNODE
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CURTIS LEE SHEPPARD, JR.,

Plaintiff,

V.

MICHAEL COLLUM, et al.,

Defendants.

Case No. 6:21-cv-55-JDK-KNM

FINAL JUDGMENT

The Court, having considered Plaintiff's case and rendered its decision by opinion issued this same date, hereby enters **FINAL JUDGMENT**.

It is ORDERED that Plaintiff's case is DISMISSED WITH PREJUDICE for purposes of proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915(g), but without prejudice as to the refiling of his claims without seeking *in forma pauperis* status. All pending motions are DENIED as MOOT.

The Clerk of the Court is instructed to close this case.

So ORDERED and SIGNED this 15th day of November, 2021.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**