

Appendix "B"

**United States Court of Appeals
for the Fifth Circuit**

No. 22-20162

MICHAEL G. PETERS,

Plaintiff—Appellant,

versus

ANDREW S. HANEN,

Defendant—Appellee.

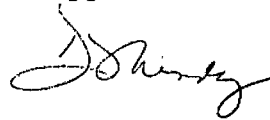
Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:22-CV-785

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of May 17, 2022,
for want of prosecution. The appellant failed to timely to pay the filing fee.

No. 22-20162

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



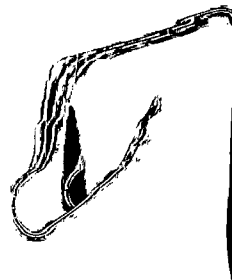
By: _____
Donna L. Mendez, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT



A True Copy
Certified order issued May 17, 2022

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

A handwritten signature, possibly "Lyle W. Cayce", is written in dark ink on the right side of the page.

ENTERED

March 11, 2022

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL G. PETERS,

Plaintiff,

VS.

ANDREW S. HANEN,

Defendant.

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CIVIL ACTION NO. 4:22-CV-00785

ORDER OF DISMISSAL

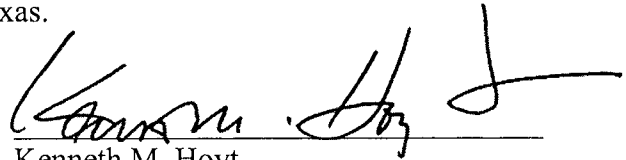
Michael G. Peters is an inmate in the Texas Department of Criminal Justice. In this suit under 42 U.S.C. § 1983, he alleges that the defendant, a federal District Judge, participated in a “conspiracy perverting the course [sic] of justice.” The plaintiff has not paid the filing fee. This action will be dismissed under 28 U.S.C. § 1915(g).

Under the Prison Litigation Reform Act of 1995, a prisoner may not file an action *in forma pauperis* barring a show of imminent danger if he has, on three or more prior occasions, filed a prisoner action in federal district court or an appeal in a federal court of appeals which was dismissed as frivolous or malicious. 28 U.S.C. § 1915(g); *Adepegba v. Hammons*, 103 F.3d 383, 385 (5th Cir. 1996). Peters had at least 13 such dismissals before filing his complaint in this case, and is no longer allowed to proceed without prepayment of fees. See *Peters v. Abbott*, No. 4:21-cv-3731 (S.D. Tex. Nov. 15, 2021); *Peters v. Texas Department of Criminal Justice*, No. 4:21-cv-3039 (S.D. Tex. Sept. 23, 2021); *Peters v. TDCJ*, No. 4:21-cv-2447 (S.D. Tex. July 29, 2021); *Peters v. Texas Department of Criminal Justice*, No. 3:21-cv-14 (S.D. Tex. Feb. 1, 2021); *Peters v. Texas Medical Board*, 4:15-cv-3021 (S.D. Tex. Oct. 30, 2015); *Peters v. Rollins*, 4:15-cv-3036

(S.D. Tex. Oct. 27, 2015); *Peters v. Valigura*, 4:15-cv-3023 (S.D. Tex. Oct. 26, 2015); *Peters v. Duckworth*, 4:15-cv-3024 (S.D. Tex. Oct. 22, 2015); *Peters v. Harrison*, 4:15-cv-3037 (S.D. Tex. Oct. 19, 2015); *Peters v. BB&T Bank*, No. 4:15-cv-3035 (S.D. Tex. Oct. 15, 2015); *Peters v. Dreyer*, 4:15-cv-2899 (S.D. Tex. Oct. 14, 2015); *Peters v. Dreyer*, 4:15-cv-2900 (S.D. Tex. Oct. 6, 2015); *Peters v. Gilbert*, 4:15-cv-2762 (S.D. Tex. Oct. 1, 2015). Peters's allegations do not plead any facts showing that he is in any immediate danger which would warrant waiver of the fee requirement. See *Choyce v. Dominguez*, 160 F.3d 1068, 1071 (5th Cir. 1998); *Banos v. O'Guin*, 144 F.3d 883, 884 (5th Cir. 1998).

In light of the pleadings and Peters' litigation history, Peters fails to show that he is eligible to proceed *in forma pauperis*. Consequently, this action is **dismissed** pursuant to 28 U.S.C. § 1915(g). This dismissal counts as a strike under section 1915(g).

SIGNED on March 11, 2022, at Houston, Texas.

A handwritten signature in black ink, appearing to read 'Kenneth M. Hoyt', written over a horizontal line.

Kenneth M. Hoyt
United States District Judge