

ENTERED

May 13, 2022

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION**

No. 3:22-cv-102

MICHAEL G. PETERS, TDCJ #2019190, PLAINTIFF,

v.

LEE H. ROSENTHAL, DEFENDANT.

ORDER

JEFFREY VINCENT BROWN, UNITED STATES DISTRICT JUDGE.

On April 25, 2022, this court dismissed the prisoner civil-rights action filed by the plaintiff, Michael G. Peters, because he is subject to a preclusion order in the Southern District of Texas and did not obtain written permission from a judge of this district to file his complaint. Dkt. 3. Peters filed a notice of appeal and seeks leave to proceed *in forma pauperis* on appeal.

Peters does not demonstrate that his case was dismissed in error. Because he is barred under the three-strikes rule found in 28 U.S.C. § 1915(g), and because he fails to demonstrate that he was in imminent danger of serious physical injury at the time of filing, Peters is not eligible to proceed without prepayment of the filing fee. His motion to proceed *in forma pauperis* is denied.

pauperis on appeal (Dkt. 5) is denied.

Signed on Galveston Island this 13th day of May 2022.



JEFFREY VINCENT BROWN
UNITED STATES DISTRICT JUDGE

Appendix B

United States Court of Appeals
for the Fifth Circuit



No. 22-40304

A True Copy
Certified order issued Jun 27, 2022

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

MICHAEL G. PETERS,

Plaintiff—Appellant,

versus

LEE H. ROSENTHAL,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:22-CV-102

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of June 27, 2022, for want of prosecution. The appellant failed to timely pay docketing fee.

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



By: _____
Shawn D. Henderson, Deputy Clerk
ENTERED AT THE DIRECTION OF THE COURT