

United States Court of Appeals
for the Fifth Circuit

No. 25-50323

United States Court of Appeals
Fifth Circuit

FILED

August 15, 2025

Lyle W. Cayce
Clerk

LUKE MASOOD ARABZADEGAN,

Plaintiff—Appellant,

versus

STATE OF TEXAS,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CV-481

CLERK'S OFFICE:

Under 5TH CIR. R.42.3, the appeal is dismissed as of August 15, 2025, for want of prosecution. The appellant failed to timely pay docketing fee.

No. 25-50323

LYLE W. CAYCE

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

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By: _____
Peter A. Conners, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LUKE MASOOD ARABZADEGAN

V.

THE STATE OF TEXAS

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§
§

CIVIL NO. A-25-CV-00481-RP

ORDER OF DISMISSAL

Before the Court is Luke Masood Arabzadegan’s “Requested Invocation of the United States Constitution, 1st, 5th, 6th, & 14th Amendments’ Protection of Rights.” Arabzadegan’s pleading is construed as a petition for writ of mandamus. The Court presumes Arabzadegan seeks leave to proceed *in forma pauperis*.

Under the Prison Litigation Reform Act, a prisoner cannot bring a new civil action or appeal a judgment in a civil action *in forma pauperis* if he or she has three or more times in the past, while incarcerated, brought a civil action or appeal in federal court that was dismissed because it was frivolous, malicious, or failed to state a claim upon which relief may be granted. The only exception to this is if the prisoner is in “imminent danger of serious physical injury.” *See* 28 U.S.C. § 1915(g). A prisoner who is not proceeding *in forma pauperis* may file a new civil action or appeal even if that prisoner has three or more dismissals described in section 1915(g). Regardless of whether a prisoner proceeds *in forma pauperis* in a civil case, if at any time the prisoner’s case is dismissed as frivolous or malicious, or for failure to state a claim, the dismissal will count against the prisoner for purposes of the three-dismissal rule.

While incarcerated, Arabzadegan has filed at least three civil actions or appeals that have been dismissed as frivolous, malicious or for failure to state a claim. *See Arabzadegan v. Frasier*, No. 1:04-CV-00670-LY (W.D. Tex.) (Nov. 30, 2004) (dismissed for failure to state a claim); *Arabzadegan v. McKeeman*, No. 1:06-CV-00620-LY (W.D. Tex.) (Nov. 30, 2006) (dismissed for failure to state a claim); *Arabzadegan v. Frasier*, No. 1:03-CV-00852-LY (W.D. Tex.) (Jan. 20, 2004) (dismissed for failure to state a claim); *Arabzadegan v. Ramsey Unit Medical Dep't*, No. 4:23-CV-03006 (S.D. Tex.) (Mar. 31, 2025) (dismissed for failure to state a claim). Therefore, Arabzadegan may not file another civil action *in forma pauperis* while incarcerated unless he is in “imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). Arabzadegan’s petition does not meet that standard.

It is therefore **ORDERED** that Luke Masood Arabzadegan is **DENIED** leave to proceed *in forma pauperis*, and his petition is **DISMISSED WITHOUT PREJUDICE** pursuant to the three-dismissal rule of 28 U.S.C. § 1915(g). Arabzadegan’s petition may be reinstated only if the full filing fee is paid simultaneously with the filing of a motion to reinstate.

SIGNED on April 1, 2025.

A handwritten signature in black ink, appearing to read "R. Pitman", with a long horizontal line extending to the right.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE

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