

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5117

September Term, 2020

1:19-cv-00890-UNA

Filed On: December 2, 2020

Manetirony Clervrain,

Appellant

v.

Eric H. Holder, Jr., et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Millett and Pillard, Circuit Judges, and Sentelle, Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motion to proceed in forma pauperis and the August 4, 2020 order to show cause; and the motions “for consideration,” “for opposition,” and “for enabling right status,” it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the motion for leave to proceed in forma pauperis be granted. Because appellant appears to have been civilly detained in the custody of the United States Customs and Immigration Enforcement when he filed the notice of appeal, the filing fee requirements of the Prison Litigation Reform Act do not apply to this appeal. See 28 U.S.C. § 1915(h); LaFontant v. INS, 135 F.3d 158, 165 (D.C. Cir. 1998). It is

FURTHER ORDERED that the motions for consideration, for opposition, and for enabling right status be denied. It is

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FURTHER ORDERED AND ADJUDGED that the January 28, 2020 order denying appellant's motions for leave to proceed in forma pauperis and for reconsideration of the dismissal of his complaint be affirmed. Appellant has raised no argument on appeal to rebut the district court's conclusion that the Prison Litigation Reform Act's three-strikes bar, 28 U.S.C. § 1915(g), applied to the district court action and that he had not satisfied the imminent danger exception. See, e.g. U.S. ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir 2004) (arguments not raised on appeal are forfeited).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Michael C. McGrail
Deputy Clerk