

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

April 2, 2008

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No. 07-60366  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

DERRICK HARRIS

Plaintiff-Appellant

v.

DELMER MAXWELL, Chief of Security; UNKNOWN PEERY, RN (HSA);  
CHARLOTTE BURNS, Programs Warden; JODY BRADLEY, Head Warden

Defendants-Appellees

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Appeal from the United States District Court  
for the Northern District of Mississippi  
USDC No. 4:06-CV-8

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Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Derrick Harris, Mississippi prisoner # 95458, moves this court to proceed in forma pauperis (IFP) in this appeal from the district court's dismissal of his 42 U.S.C. § 1983 complaint against employees of the Delta Correctional Facility. The district court dismissed Harris's complaint because his allegations did not support a claim of deliberate indifference to his serious medical needs. The district court also denied Harris's request to proceed IFP on appeal, certifying

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

that the appeal was not taken in good faith. Harris's IFP motion is a challenge to the district court's certification that his appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Harris does not address the district court's reasons for dismissing his § 1983 complaint. Because he fails to identify any error in the district court's analysis, any argument is abandoned. See *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Harris has not shown that he will present a nonfrivolous issue on appeal. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, the motion for leave to proceed IFP is denied and the appeal is dismissed as frivolous. See *Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.

The dismissal of this appeal as frivolous counts as one strike under 28 U.S.C. § 1915(g). Harris is cautioned that if he accumulates three strikes under § 1915(g), he will not be able to proceed IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. See § 1915(g).

IFP MOTION DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.