

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-21113
Conference Calendar

STEPHAN STROUD,

Plaintiff-Appellant,

versus

ALLEN POLLUNSKY; UNIVERSITY OF TEXAS MEDICAL BRANCH;
OWEN J. MURRAY; TONY GARCIA; MAJOR BELL; TROY SIMPSON,
Lieutenant; BRYAN D. BUCK; WILLIAM P. WINDHAM; TIMOTHY L.
MASSEY; BOBBY VINCENT; GRACE CHOW, M.D.; HANG T. PHUNG, M.D.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-4004

October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Texas state prisoner Stephan Stroud, #745916, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint as frivolous or for failure to state a claim. He has also filed numerous motions seeking miscellaneous relief, including motions for a temporary restraining order, preliminary injunction, protective custody, emergency relief, to strike appellees' brief,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and to stay the proceedings. All of Stroud's pending motions are DENIED. The appellees' request to strike the attachments and exhibits to Stroud's appeal brief is DENIED as MOOT.

Although this court applies less stringent standards to parties proceeding pro se than to parties represented by counsel and liberally construes briefs of pro se litigants, pro se parties must still brief the issues and reasonably comply with the requirements of Fed. R. App. P. 28. Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995). This court will not construct arguments or theories for Stroud absent any coherent discussion of those issues. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Stroud's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2.

The district court's dismissal of the present case and this court's dismissal of Stroud's appeal count as two strikes against him for purposes of 28 U.S.C. § 1915(g). Stroud has already accumulated two strikes. See Stroud v. Patton, No. 00-40819 (5th Cir. Dec. 13, 2000)(unpublished). Because he is subject to the three-strikes bar under the statute, Stroud is BARRED from proceeding in forma pauperis 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 28 U.S.C. § 1915(g).

APPEAL DISMISSED; MOTIONS DENIED; 28 U.S.C. § 1915(g) BAR IMPOSED.