

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40916
Conference Calendar

ROBERT LEE WASHINGTON,

Plaintiff-Appellant,

versus

W. BOOTHE, Warden; DOUGLAS DRETKE; COLLIER, Sergeant;
TREVINO, Sergeant; FREDERICK, Correctional Officer II;
LANGFORD, FSM II; ROSA GOMEZ, Nurse,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-99-CV-203

February 14, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Robert Lee Washington (Washington), Texas state prisoner #564073, appeals the district court's granting of defendants' summary judgment motion in his *pro se* civil rights action under 42 U.S.C. § 1983. We review a grant of summary judgment *de novo*. Thomas v. LTV Corp., 39 F.3d 611, 615 (5th Cir. 1994); Fraire v. Arlington, 957 F.2d 1268, 1273 (5th Cir. 1992).

Because Washington does not address the district court's reasons for dismissing his civil action, he has abandoned the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

only issues before this court. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Washington's appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5TH CIR. R. 42.2.

The dismissal of this appeal as frivolous counts as one "strike" for purposes of 28 U.S.C. § 1915(g). We caution Washington that once he accumulates three strikes, he may not proceed *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.

DISMISSED AS FRIVOLOUS; WARNING ISSUED.