

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20966  
Conference Calendar

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EMMITT WILLIAM, III,

Plaintiff-Appellant,

versus

DR. R. REED; DR. C.V. DINH,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CV-4135  
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February 20, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

The motion by Emmitt William, III, Texas prisoner # 849867, for leave to proceed in forma pauperis ("IFP") on appeal is DENIED. See 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a); Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). The instant appeal is without arguable merit and is thus frivolous. Accordingly, it is DISMISSED. See Baugh, 117 F.2d at 202 n.24; Howard v. King, 707 F.2d 215, 219-220 (5th Cir. 1983).

Both the district court's dismissal of William's complaint and this court's dismissal of this appeal count as "strikes" for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). William is CAUTIONED that if he accumulates a third "strike" 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 28 U.S.C. § 1915(g).

APPEAL DISMISSED; IFP MOTION DENIED; THREE-STRIKES WARNING ISSUED.