

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60568
Conference Calendar

CHARLIE TAYLOR,

Plaintiff-Appellant,

versus

LUTHER T. BRANTLEY, III,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:01-CV-222

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Charlie L. Taylor, Mississippi prisoner # R6798, filed an in forma pauperis (IFP) complaint under 42 U.S.C. § 1983 alleging that the Executive Director of the Mississippi Commission on Judicial Performance wrongly dismissed complaints filed against the state judge presiding over Taylor's convictions. The district court dismissed the complaint as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). The district court found that Taylor's complaint did not allege a violation of the federal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

constitution and was premature under Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). The district court's dismissal as frivolous of Taylor's complaint was not an abuse of discretion. Black v. Warren, 134 F.3d 732, 733 (5th Cir. 1988); Norton v. Dimazana, 122 F.3d 286, 291 (5th Cir. 1997). We hold that the appeal is without arguable merit, and it is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

Taylor filed a motion seeking to supplement the record with matter irrelevant to the appeal. The motion is DENIED.

Taylor has accumulated one strike in Taylor v. Noblin, No. 60698 (5th Cir. Feb. 19, 2002)(unpublished). The dismissals of this complaint and appeal count as two more strikes for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Taylor may no longer 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 AS FRIVOLOUS; MOTION DENIED; SANCTIONS IMPOSED.