

December 10, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-30888  
Conference Calendar

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JEROME NORMAN,

Plaintiff-Appellant,

versus

BURL CAIN; RICHARD L. STALDER; DORA RABALAIS;  
CHARLES HONEYCUTT; GARY YOUNG; PAUL FONTENOT,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 02-CV-1166-D  
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Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Jerome Norman, Louisiana prisoner # 287424, seeks leave to appeal in forma pauperis ("IFP") the district court's dismissal of his constitutional claims as frivolous and for failure to state a claim and the dismissal, without prejudice, of his state law claims. By moving for IFP, Norman is challenging the district court's certification that IFP status should not be

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

granted on appeal because his appeal is not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

Norman contends that he is entitled to proceed IFP on appeal because he is a pauper. Norman fails to challenge the reasons given for the district court's dismissal, and he does not refer to any of the claims raised in his complaint.

Norman has thus abandoned the only grounds for appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Consequently, the appeal is wholly without arguable merit and is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2; see also Baugh, 117 F.3d at 202 n.24. The IFP motion is DENIED.

Both the district court's dismissal of Norman's complaint and this court's dismissal of the instant appeal count as "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). Norman is CAUTIONED that if he accumulates a third strike under 28 U.S.C. § 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; SANCTIONS WARNING ISSUED.