

October 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-40715
Conference Calendar

ROBERT TAYLOR,

Plaintiff-Appellant,

versus

UTMB GALVESTON TEXAS; ENI IKEDINOB, DR.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-00-CV-548

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Robert Taylor, Texas prisoner # 781985, appeals the district court's dismissal of his pro se, in forma pauperis ("IFP") 42 U.S.C. § 1983 complaint, which alleged a violation of his Eighth Amendment rights in connection with the medical treatment he received following a laceration to his wrist while working in the prison laundry. The district court dismissed the complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court did not abuse its discretion in dismissing the complaint. Taylor's allegations amounted to claims for negligence or medical malpractice, which are not cognizable under 42 U.S.C. § 1983. See Estelle v. Gamble, 429 U.S. 97, 106 (1976); Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Accordingly, the judgment of the district court is AFFIRMED.

The district court's dismissal as frivolous counts as one strike for purposes of 28 U.S.C. § 1915(g). See 28 U.S.C. § 1915(g); see Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Taylor is CAUTIONED that if he accumulates three strikes he may not 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).

AFFIRMED, SANCTION WARNING ISSUED.