

October 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50298
Conference Calendar

GILBERT TREVINO,

Plaintiff-Appellant,

versus

LEWIS SAUNDERS; GLENN WOODARD, Sergeant;
DORTHEA COX; CHARLES BELL; JOHN VANDERWERFF,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-00-CV-14

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

PER CURIAM:*

Gilbert Trevino, Texas prisoner # 647409, requests permission to proceed in forma pauperis (IFP) on appeal from the judgment rendered in favor of the defendants in his civil rights suit. He has not, however, addressed the merits of the district court's certification decision, see Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997), and has thus not shown that the district court erred in certifying that an appeal would not be

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

taken in good faith. His motion for IFP is therefore DENIED, and the APPEAL is DISMISSED AS FRIVOLOUS. See id. at n.24; 5TH CIR. R. 42.2.

Trevino is warned that the dismissal of this appeal as frivolous counts as a strike under 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). We caution Trevino that once 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). Trevino should review any pending appeals and withdraw any that are frivolous.

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