

October 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30227
Conference Calendar

COYETT DEON JOHNSON,

Plaintiff-Appellant,

versus

TAYLOR, Lieutenant; GRANT, Chaplain;
WILLIAMS, Ms.; UNKNOWN CORRECTIONAL
OFFICERS; CARL CASTERLINE,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:03-CV-1561

Before JOLLY, JONES, and WIENER, Circuit Judges.

PER CURIAM:*

Coyett Deon Johnson, federal prisoner # 07403-064, appeals from the district court's dismissal with prejudice of his civil rights complaint as frivolous and for failure to state a claim. See 28 U.S.C. §§ 1915(e)(2)(B)(i),(ii), 1915A(b)(1). Johnson has failed to brief his claims arising under the First, Fourth, Fifth, Sixth, and Fourteenth Amendments. Accordingly, these

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issues are deemed abandoned on appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

Johnson argues that the district court erred in dismissing his failure-to-protect and inadequate-medical-care claims arising under the Eighth Amendment. Johnson's failure-to-protect allegations do not establish that the defendants were deliberately indifferent to an excessive risk to his safety. See Farmer v. Brennan, 511 U.S. 825, 837 (1994). Similarly, Johnson's inadequate-medical-care claims, at best, demonstrate disagreement with his medical treatment. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

Johnson's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The district court's dismissal of Johnson's complaint as frivolous counts as a "strike" under 28 U.S.C. § 1915(g), as does the dismissal of this appeal. See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Johnson is CAUTIONED if he accumulates three "strikes," he will no longer be allowed to proceed in forma pauperis 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; SANCTION WARNING ISSUED.

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