

November 18, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-41706
Summary Calendar

BILLY C BLANTON

Plaintiff - Appellant

v.

REAGAN W DUNCAN, Librarian, Eastham Unit, MARTHA R JACKSON,
Investigator II, Eastham Unit, GARY A WAKEFIELD, Assistant
Warden, Eastham Unit

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:04-CV-164

Before KING, Chief Judge, and WIENER and DeMOSS, Circuit Judges.

PER CURIAM:*

Billy C. Blanton, Texas prisoner number 750531, filed the instant 42 U.S.C. § 1983 civil-rights suit to seek redress for the defendant prison officials' alleged retaliation. Blanton appeals the district court's dismissal of his suit as frivolous, and he also moves this court to consolidate this appeal with another appeal that he filed with this court. Blanton's motion to consolidate is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Blanton contends that the district court erred in dismissing his retaliation claims as frivolous. However, Blanton has not alleged a series of events from which a plausible retaliation claim could be gleaned, nor has he offered direct evidence of a retaliatory motive. See Woods v. Smith, 60 F.3d 1161, 1164 (5th Cir. 1995). Rather, his claims are based on his own personal beliefs and conclusional assertions, which are insufficient to raise a viable retaliation claim. See id. at 1166; Jones v. Greninger, 188 F.3d 322, 324-25 (5th Cir. 1999).

Blanton has shown no error in the judgment of the district court. Accordingly, that judgment is AFFIRMED. The district court's dismissal of Blanton's suit and this court's affirmance of that dismissal count as a single strike for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Blanton also garnered a strike in a previous case. See Blanton v. Stacks, No. 04-41501 (5th Cir. June 29, 2005). Blanton is WARNED that if he accumulates three strikes, he may not proceed in forma pauperis in any civil action or appeal while he is incarcerated or detained in any facility unless he is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

MOTION DENIED; JUDGMENT AFFIRMED; SANCTION WARNING ISSUED.