

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40574
Conference Calendar

TIMOTHY PAUL MARTIN,

Plaintiff-Appellant,

versus

ORLANDO PEREZ, Senior Warden;
W. BOOTH; R. GLOVER, Captain; K.
DIXON, Captain; D. BLACKWELL; L.
SMITH, Corrections Officer III; J.
GUITERREZZ; S. PHIPPS; R. MENCHACA;
JAMES COLLINS, Director; GARY L. JOHNSON,
DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, INSTITUTIONAL DIVISION; WAYNE
SCOTT, DIRECTOR, TEXAS DEPARTMENT OF
CRIMINAL JUSTICE, INSTITUTIONAL DIVISION;
BRIAN RODEEN, Major,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CV-444
- - - - -

June 15, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Timothy Paul Martin, Texas state prisoner #566302, appeals from the district court's order denying his motion for injunctive relief. He argues that he has been retaliated against by the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

defendants for filing grievances and will likely suffer an irreparable injury. We have carefully reviewed the appellate record and have found no reversible error. The district court did not abuse its discretion by denying Martin's motion for a preliminary injunction. See Lakedreams v. Taylor, 932 F.2d 1103, 1106 (5th Cir. 1991). This appeal is frivolous and is therefore DISMISSED. See 5TH CIR. R. 42.2.

The dismissal of this appeal as frivolous counts as a strike for purposes of 28 U.S.C. § 1915(g). We caution Martin 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).

APPEAL DISMISSED.