

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-51019
Conference Calendar

SHEILA BESS,

Plaintiff-Appellant,

versus

WAYNE A; MICHAEL WARREN, Director;
AHMETS SATIR, DR.; PAMELA WILLIAM,
Warden,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-97-CV-389
- - - - -

June 15, 1999

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

PER CURIAM:*

Sheila Bess, Texas prisoner #609474, seeks to proceed in forma pauperis (IFP) in the appeal of the dismissal of her civil rights complaint for failure to state a claim. By moving for IFP, Bess is challenging the district court's certification decision that IFP status should not be granted on appeal because her appeal is frivolous. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Bess, however, fails to present any argument

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

addressing the certification decision. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Because Bess fails to show that she will raise a nonfrivolous issue on appeal, her motion to proceed IFP is DENIED. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 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 Bess that once she accumulates three strikes, she may not proceed IFP in any civil action or appeal filed while she is incarcerated or detained in any facility unless she is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

IFP DENIED; APPEAL DISMISSED; WARNING ISSUED.