

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-50601
Conference Calendar

ISIDRO MARTINEZ RAMIREZ,

Plaintiff-Appellant,

versus

K. GRANBERRY, Detention Officer,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-96-CV-228

June 16, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:*

Isidro Martinez Ramirez, Texas prisoner # 782291, appeals the district court's order denying his motion to protect the proceeds of the judgment in his favor. This is construed as a motion seeking a preliminary injunction. We have carefully reviewed the appellate record and Ramirez's arguments. Ramirez has not satisfied any of the prerequisites for a preliminary injunction. See Sunbeam Prods., Inc. v. West Bend Co., 123 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

246, 250 (5th Cir. 1997). The district court did not abuse its discretion in denying the preliminary injunction. See id. at 261.

This appeal is without arguable merit and is thus frivolous. It is 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). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). We caution Ramirez that once he accumulates three strikes, he may not proceed in forma pauperis (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 § 1915(g).

DISMISSED AS FRIVOLOUS; STRIKE WARNING ISSUED.