

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Nos. 98-40689 & 98-40695
Conference Calendar

DAVID DAVIS ET AL.,

Plaintiffs,

WILLIE A. MILTON,

Plaintiff-Appellant,

versus

WAYNE SCOTT, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION, ET AL.,

Defendants-Appellees.

* * * * *

WILLIE A. MILTON ET AL.,

Plaintiffs,

WILLIE A. MILTON,

Plaintiff-Appellant,

versus

WAYNE SCOTT, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION, ET AL.,

Defendants-Appellees.

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Appeals from the United States District Court
for the Southern District of Texas
USDC Nos. G-96-CV-269 & G-96-CV-360

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February 10, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

Willie A. Milton, Texas state prisoner #561014, appeals from the district court's dismissals of his civil rights complaints as frivolous and for failure to state a claim upon which relief could be granted. Milton argues that he was retaliated against for acting as a jailhouse lawyer for two fellow inmates. We have reviewed the record and find no reversible error. To the extent that Milton also raised a claim under the Americans with Disabilities Act, he has abandoned such claim on appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

The appeals are without arguable merit and thus frivolous. Because the appeals are frivolous, they are DISMISSED. See 5th Cir. R. 42.2.

The dismissal of these appeals as frivolous and the dismissals by the district court total four "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Milton is now barred from filing any civil action or appeal in forma pauperis unless he is under imminent danger of serious physical injury. § 1915(g).

APPEALS DISMISSED.

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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