

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50661
Conference Calendar

RICK THOMAS, Others Similarly Situated,

Plaintiff-Appellant,

versus

ALLAN B. POLUNSKY, Chairman,
Texas Board of Criminal Justice, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-97-CV-286-DB
- - - - -

April 19, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:*

Rick Thomas, Texas prisoner # 765101, appeals the district court's grant of summary judgment for the defendants in this 42 U.S.C. § 1983 action. Thomas has not adequately briefed any argument relating to the district court's grant of summary judgment. See Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995); Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Thomas' appeal is without arguable merit and is frivolous. Accordingly, the appeal 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 Thomas 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 unless he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

APPEAL DISMISSED; WARNING ISSUED.