

**FILED**

August 21, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-30674  
Conference Calendar

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TERRY KELLY

Plaintiff-Appellant

v.

LOUISIANA MEDICAL CENTER BOARD OF DIRECTORS; DR BABEL  
DOUGLAS; UNKNOWN SAVER; KATHLEEN BABINEAUX BLANCO;  
RICHARD L STALDER; BURL CAIN; DIRECTOR OF R E B TREATMENT  
CENTER

Defendants-Appellees

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Appeal from the United States District Court  
for the Middle District of Louisiana  
USDC No. 3:06-CV-202

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Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Terry Kelly, Louisiana prisoner # 84380, has filed an application to proceed in forma pauperis (IFP) on appeal following the district court's dismissal of his 42 U.S.C. § 1983 complaint, without prejudice, "for failure to correct deficiencies in [his] pleadings." Kelly's motion effectively challenges the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court's certification that he should not be granted IFP status because his appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a).

By failing to direct his motion solely to the district court's reasons for the certification decision, Kelly has effectively abandoned the only issue that is properly before this court. See *Baugh*, 117 F.3d at 202; *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Accordingly, Kelly's request for IFP status is denied, and his appeal is dismissed as frivolous. See *Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.

The dismissal of this appeal as frivolous counts as a strike for purposes of § 1915(g). See *Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996). Kelly is cautioned that if he accumulates three strikes, he will not be permitted to 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 § 1915(g).

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.