

June 19, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-30626
Conference Calendar

HENRY GRAY,

Plaintiff-Appellant,

versus

19TH JUDICIAL DISTRICT COURT; LOUISIANA'S INDIGENT DEFENSE
SYSTEM; CITY OF BATON ROUGE; ANDRE DOE, Officer; JOHN DOE,
Officer; KIP HOLDEN, Mayor; ELMER LITCHFIELD, Sheriff,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:05-CV-1128

Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:*

Henry Gray, Louisiana prisoner # 431881, appeals the district court's dismissal of his civil rights complaint against various government officials as barred by Heck v. Humphrey, 512 U.S. 477 (1994).

On appeal, although Gray raises most of the substantive claims that he raised in his complaint and contends that government officials should not be given immunity from lawsuits arising under 42 U.S.C. § 1983, he does not challenge the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court's determination that his claims were barred by Heck. Accordingly, he has abandoned the only issue before this court. See Hughes v. Johnson, 191 F.3d 607, 612-13 (5th Cir. 1999).

Gray's appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, we dismiss his appeal as frivolous. 5TH CIR. R. 42.2. The dismissal of this appeal as frivolous and the district court's dismissal of Gray's complaint as frivolous count as two strikes under 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). Gray is warned that if he accumulates three strikes under § 1915(g), he will not be able to proceed in forma pauperis 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).

APPEAL DISMISSED; SANCTION WARNING ISSUED.