

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-40734
Conference Calendar

PAUL K. GRUBB,

Plaintiff-Appellant,

versus

WAYNE POWELL, Etc., ET AL.

Defendants,

PETER A. BIDWELL, M.D.,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CV-566

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Paul K. Grubb (Grubb), prisoner # A0721417, appeals the grant of summary judgment in favor of Peter A. Bidwell, M.D. (Bidwell), who treated Grubb during his incarceration at the Newton County (Texas) Correctional Center, in this 42 U.S.C. § 1983 action. Grubb's motions for appointment of counsel are DENIED. Grubb has not adequately briefed any argument relating to the district court's grant of summary judgment. See Grant v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cuellar, 59 F.3d 523, 524 (5th Cir. 1995). Claims raised for the first time in a reply brief will not be considered. See Yohey v. Collins, 985 F.2d 222, 224 (5th Cir. 1993).

Grubb's appeal is deemed frivolous for failure to brief an appealable issue. Accordingly, the appeal is DISMISSED. 5th Cir. R. 42.2.

This court's 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 (5th Cir. 1996). We caution Grubb that once he accumulates three strikes, he may not 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 28 U.S.C. § 1915(g).

MOTIONS FOR APPOINTMENT OF COUNSEL DENIED; APPEAL DISMISSED AS FRIVOLOUS; SANCTIONS WARNING ISSUED.