

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-21000
Conference Calendar

SEAN DAVID CARPENTER,

Plaintiff-Appellant,

versus

JOHN CORNYN; WAYNE SCOTT; CARL JEFFRIES;
SUSAN CRANFORD; JOHN DOE; JOHN BURNS;
JANE WIKSTROM; All sued in their official
and individual capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-2196

February 20, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Sean David Carpenter, Texas prisoner #920783, has filed a motion to proceed *in forma pauperis* (IFP) on appeal from the district court's dismissal of his 42 U.S.C. § 1983 complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Carpenter also moves this court for appointment of counsel. Carpenter's motion for appointment of counsel is DENIED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

By moving for IFP, Carpenter is challenging the district court's certification that IFP status should not be granted on appeal because his appeal is not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Because Carpenter's nonsensical and unsupported arguments present no nonfrivolous appellate issues, his motion for IFP is DENIED, and the appeal is DISMISSED. See Baugh, 117 F.3d at 202 and n.24; 5TH CIR. R. 42.2.

Both the district court's dismissal of Carpenter's complaint and this court's dismissal of this appeal count as "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). We caution Carpenter that once he accumulates three strikes, he may not 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 28 U.S.C. § 1915(g).

MOTIONS DENIED; APPEAL DISMISSED; THREE-STRIKES WARNING ISSUED.