

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30658
Conference Calendar

REGINALD THOMAS,

Plaintiff-Appellant,

versus

C.M. LENSING; RHONDA KLING; RICHARD L. STALDER,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 01-CV-256-B

December 11, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges

PER CURIAM:*

Reginald V. Thomas, Louisiana inmate #169499, appeals the dismissal of his suit filed pursuant to 42 U.S.C. § 1983, arguing that his due process rights were violated because his administrative grievance was denied. Thomas's suit fails to state a cognizable § 1983 claim. See Daniel v. Ferguson, 839 F.2d 1124, 1128 (5th Cir. 1988); Jackson v. Cain, 864 F.2d 1235, 1251 (5th Cir. 1989).

Thomas's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2. The district court's dismissal of Thomas's suit counts as one strike, and the dismissal of this appeal counts as one strike for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Thomas is WARNED that if he accumulates three strikes he will be barred from proceeding IFP in any civil action or appeal brought in a United States court unless he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). His motion for the appointment of counsel is DENIED.