

April 8, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-31031
Summary Calendar

KARSTON KEELEN,

Plaintiff-Appellant,

versus

BURL CAIN,

Defendant-Appellee.

Appeal from the United States District Court
for the Middle District of Louisiana
(01-CV-332-C)

Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Karston Keelen, Louisiana prisoner # 125690, appeals the denial of various motions in relation to a 42 U.S.C. § 1983 complaint that he filed pro se against Warden Burl Cain. The district court denied the pending motions without prejudice, noting that the case was currently on appeal to this court. We lack jurisdiction over the denial of Keelen's motion for a temporary restraining order. See Faulder v. Johnson, 178 F.3d 741, 742 (5th Cir. 1999). The district court did not abuse its

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

discretion in denying Keelen's motion for a preliminary injunction, see Women's Med. Ctr. v. Bell, 248 F.3d 411, 419 n.15 (5th Cir. 2001), or in denying other relief. Keelen's appeal is without arguable merit and is thus DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. The 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, 387-88 (5th Cir. 1996). We CAUTION Keelen that if he accumulates three or more "strikes" under § 1915(g), he will not be allowed 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.