

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60433
Summary Calendar

VERONICA MCCALLUP

Plaintiff - Appellant

v.

TOMIE GREEN; GIA MCLEOD; JOHN DOE, Lawyer for Smith County;
DANNYE HUNTER; STATE OF MISSISSIPPI

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:02-CV-173-WS

October 9, 2002

Before KING, Chief Judge, and BARKSDALE and STEWART, Circuit
Judges.

PER CURIAM:*

Veronica McCallup, prisoner # K1256, appeals the district
court's dismissal of her civil rights complaint. See 28 U.S.C.
§ 1915(e)(2)(B)(i), (ii). McCallup's argument that the Prison
Litigation Reform Act does not apply to her case is unconvincing.
See 42 U.S.C. § 1997e. The district court did not err in
dismissing McCallup's denial-of-access-to-courts claim for lack
of jurisdiction. See District of Columbia Court of Appeals 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that this opinion should not be published and is not precedent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.

Feldman, 460 U.S. 462, 476, 482 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923). Because McCallup's conspiracy claim was conclusory, the district court did not abuse its discretion in dismissing the claim as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i); see Babb v. Dorman, 33 F.3d 472, 476 (5th Cir. 1994). The district court properly dismissed McCallup's wrongful-incarceration claim for failure to state a claim. Heck v. Humphrey, 512 U.S. 477, 486-87 (1994); 28 U.S.C. § 1915(e)(2)(B)(ii).

McCallup's appeal is without arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, McCallup's appeal is DISMISSED. See 5TH CIR. R. 42.2. This court recently has cautioned McCallup that because of her accumulation of strikes for purposes of 28 U.S.C. § 1915(g), she may not proceed in forma pauperis in any civil action or appeal filed while she is incarcerated or detained in any facility unless she is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g); McCallup v. Musgrove, No. 02-60233 (5th Cir. Aug. 20, 2002) (unpublished); McCallup v. Mississippi Dep't of Corrections, No. 02-60243 (5th Cir. Aug. 20, 2002) (unpublished). McCallup is hereby further cautioned that the prosecution of additional frivolous appeals will invite the imposition of additional sanctions. Therefore McCallup should review any pending appeals to determine whether they raise frivolous issues.

No. 02-60433

-3-

APPEAL DISMISSED; THREE-STRIKES BAR NOTED; SANCTION WARNING
ISSUED.