

June 24, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-10117  
Conference Calendar

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THOMAS MEYERS,

Plaintiff-Appellant,

versus

NFN SWIFT, Assistant Warden,  
Darrington Unit; NFN PRICE,  
Assistant Warden, Clements Unit,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:02-CV-236  
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Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Thomas Meyers, Texas prisoner # 680515, appeals from the dismissal of his 42 U.S.C. § 1983 civil rights complaint as frivolous and for failure to state a claim upon which relief could be granted. 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). Meyers provides no support for his claims and no arguments in opposition to the district court's judgment of dismissal. Because Meyers fails to brief the only issues on

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal, his claims are abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Accordingly, this appeal is frivolous and is dismissed. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

The district court's dismissal of the present case and our dismissal of this appeal count as two strikes against Meyers for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). We caution Meyers 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).

APPEAL DISMISSED; THREE-STRIKES WARNING ISSUED.