

June 3, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-20088  
Summary Calendar

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JERRY LEONARD FAIRRIIS,

Plaintiff-Appellant,

versus

S. SMITH, Assistant Warden; J. MORGAN;  
H.H. HARRIS, Captain; S. ALLEN, Lieutenant,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-02-CV-260

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Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:\*

Jerry Leonard Fairris, Texas prisoner # 432739, has appealed the district court's denial of his motion for relief from the judgment pursuant to FED. R. CIV. P. 60(b). Fairris' brief does not address the basis of the district court's denial of his Rule 60(b) motion. When an appellant fails to identify any error in the district court's analysis, it is the same as if the appellant had not appealed that judgment. Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1987). Because Fairris does not address the district court's reasons for denying his Rule 60(b) motion, he has abandoned the only issue before the court. See id.

Fairris' appeal is without arguable merit and, therefore, it is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); see 5TH CIR. R. 42.2. The dismissal of this appeal counts as a strike under 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Fairris received a strike in the district court's dismissal of his appeal of the final judgment in this case and in this court's dismissal of his appeal of that judgment. Fairris has now accumulated three strikes under 28 U.S.C. § 1915(g), and 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; 28 U.S.C. § 1915(G) BAR IMPOSED.