

October 22, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-30496  
Conference Calendar

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JERMAINE WILLIAMS,

Plaintiff-Appellant,

versus

GARY COPES; DAVID VIATOR; RILEY, Major;  
M. IVORY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 02-CV-1075  
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Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:\*

Jermaine Williams, Louisiana inmate # 366285, appeals the dismissal of his civil rights suit, filed pursuant to 42 U.S.C. § 1983 as frivolous under 28 U.S.C. § 1915(e). Williams fails to show that the district court abused its discretion when it dismissed his due process claims surrounding a disciplinary hearing as frivolous because Williams lacked a liberty interest in the punishment he received. Siglar v. Hightower, 112 F.3d

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

191, 193 (5th Cir. 1997); Sandin v. Conner, 515 U.S. 472, 483-84 (1995); Madison v. Parker, 104 F.3d 765, 767 (5th Cir. 1997).

Williams likewise fails to show that the district court abused its discretion when it dismissed his personal injury claim as frivolous inasmuch as allegations of negligence do not implicate the Constitution. Daniels v. Williams, 474 U.S. 327, 328 (1986); Salas v. Carpenter, 980 F.2d 299, 306-07 (5th Cir. 1992).

This appeal is without arguable merit. It should therefore be dismissed as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The district court's dismissal of the instant case as frivolous and for failure to exhaust and this court's dismissal of Williams's appeal as frivolous count as two strikes against him for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996); 28 U.S.C. § 1915(e)(2)(B)(i). Therefore, Williams is WARNED that if he accumulates three "strikes" under 28 U.S.C. § 1915(g), he will not be able to proceed IFP 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).

AFFIRMED.