

February 23, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30964
Conference Calendar

TYRONE FLETCHER,

Plaintiff-Appellant,

versus

ALLSTATE INSURANCE COMPANY,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:04-CV-1469-E

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Tyrone Fletcher, Louisiana prisoner # 396381, has filed an application for leave to proceed in forma pauperis (IFP) on appeal, following the dismissal of his 42 U.S.C. § 1983 complaint and the district court's certification that the appeal is not taken in good faith. Fletcher focuses solely on his indigency. By failing to direct his motion to the district court's reasons for the certification decision, Fletcher has effectively abandoned the only issue that is properly before this court. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997); Yohey 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Accordingly, Fletcher's request for IFP status is denied, and his appeal is dismissed as frivolous. See Baugh, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.

The dismissal of this appeal as frivolous and the district court's dismissal of the complaint for failure to state a claim each count as a strike for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996); 28 U.S.C. § 1915(e)(2)(B)(i). Fletcher is warned that if he accumulates three strikes, he will not be permitted 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).

IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED.