

February 23, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-30532
Conference Calendar

PATRICK WAYNE WILLIAMS,

Plaintiff-Appellant,

versus

PFIZER INC; ABBOTT MANUFACTURER; WATSON
MANUFACTURER; DOCTOR DEWANA BOBO; DOCTOR CAROLYN
LEWIS; DOCTOR UNKNOWN MAI; DOCTOR UNKNOWN MUHUZA;
DOCTOR H. L. ROSENBERG; ANTHONY TARVER, DR.; BURL
CAIN; "MIKE" FOSTER; CHARLES FOTI; RICHARD
IEYOUB; JAY KOMINSKY; DORA RABALAIS; RICHARD STALDER,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:05-CV-43

Before GARZA, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Patrick Wayne Williams, Louisiana prisoner # 317402, moves this court for leave to proceed in forma pauperis (IFP) following the dismissal of his products liability complaint for lack of jurisdiction. Williams's motion is construed as a challenge to the district court's determination that the appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1997). This court's inquiry into whether the appeal is taken in good faith "is limited to whether the appeal involves 'legal points arguable on their merits (and therefore not frivolous).'" Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983) (citation omitted). If the appeal is frivolous, this court may dismiss it sua sponte under 5TH CIR. R. 42.2. Baugh, 117 F.3d at 202, n.24.

Williams has failed to identify any error relevant to the district court's dismissal of his complaint or the denial of his IFP motion. Although pro se briefs are liberally construed, even pro se litigants must brief arguments in order to preserve them. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). Because Williams has waived the only issue relevant to his appeal, we uphold the district court's order certifying that the appeal is not taken in good faith. Williams'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 counts as a strike for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). The district court's dismissal as frivolous of Williams's civil rights complaint that we affirm this day in Williams v. Sheriff's Department, No. 05-30598, also counts as a strike for purposes of § 1915(g). Williams is cautioned 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).

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