

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20629
Conference Calendar

CARLOS CRIOLLO,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, Director, Texas
Department of Criminal Justice,
Institutional Division; ALFREDO CERDA;
HOMER D. BURLSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-474

June 15, 2000

Before JOLLY, DAVIS, and DUHÉ, Circuit Judges.

PER CURIAM:*

Carlos Criollo, Texas prisoner #412608, appeals the dismissal of his civil rights lawsuit as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i). His motion to supplement his brief is GRANTED. His motion for appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

Criollo argues only that the defendants denied him his right of access to the courts. Accordingly, Criollo has abandoned all

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

other issues. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). In addition, Criollo does not address the district court's holding that his access claim was defective because he had suffered no actionable injury. Criollo has therefore abandoned any argument that the district court erred in dismissing the claim. See id.

This appeal is without arguable merit and, thus, frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

We caution Criollo that both the district court's and this court's dismissals count as "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). 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).

MOTION TO SUPPLEMENT GRANTED; MOTION FOR APPOINTMENT OF COUNSEL DENIED; APPEAL DISMISSED; SANCTIONS WARNING ISSUED.