

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-21085  
Conference Calendar

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FRED FRANKLIN ALEXANDER,

Plaintiff-Appellant,

versus

L. A. MASTERS; K. MAXEY;  
L. ASCHBERGER; V. ZIMA; D. KIMBROUGH,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-99-CV-2243  
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April 14, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Fred Franklin Alexander, Texas prisoner No. 632876, appeals the district court's determination that his civil rights complaint was frivolous because it was time-barred. The district court record establishes that the complaint was not timely filed. Thus, we find that Alexander's appeal is legally frivolous and it IS DISMISSED. 5TH CIR. R. 42.2.

The district court's dismissal of Alexander's complaint and this court's dismissal of the appeal as frivolous count as two

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

"strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). Alexander is CAUTIONED that if he accumulates three "strikes" under § 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 § 1915(g).

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.