

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-41507  
Summary Calendar

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WILLIAM HALL, JR.,

Plaintiff-Appellant,

versus

JERRY PETERSON, Deputy Director;  
GARY J. GOMEZ, Director; DOYLE  
MCELVANEY, Warden; ENRIQUE FRANCO;  
GERNARDO RODRIGUEZ, JR.; CURTIS N.  
WALTON, Lieutenant; ROGELIO G.  
MARTINEZ; BARBARA A. EASTMAN,  
Correctional Officer III,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. G-97-CV-711  
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May 31, 2000

Before GARWOOD, BENAVIDES and DENNIS, Circuit Judges.

PER CURIAM:\*

William Hall, Jr., Texas prisoner # 267649, appeals the district court's denial of his 42 U.S.C. § 1983 complaint as frivolous under 28 U.S.C. § 1915(e)(2). Hall argues that the defendants denied his right of access to the courts, read his legal papers on one occasion, retaliated against him by filing a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

false disciplinary report, and denied him due process at his disciplinary proceeding. As a result of the alleged denial of due process, Hall contends that he was punished and deprived of his liberty, including the loss of 30 days of good-time credits. Hall also requests permission to proceed in forma pauperis on appeal.

The district court did not abuse its discretion in dismissing Hall's complaint as frivolous. Based on Hall's factual allegations, he has not established any constitutional claims cognizable under § 1983. See Lewis v. Casey, 518 U.S. 343, 351-52 (1996); Clarke v. Stalder, 154 F.3d 186 (5th Cir. 1998), cert. denied, 119 S. Ct. 1052 (1999); Tighe v. Wall, 100 F.3d 41, 42 (5th Cir. 1996); Walker v. Navarro County Jail, 4 F.3d 410, 413 (5th Cir. 1993). Therefore, this appeal is DISMISSED AS FRIVOLOUS.

Hall's motion for permission to proceed in forma pauperis on appeal is DENIED as moot.

The district court's dismissal of Hall's complaint and this court's dismissal of his appeal as frivolous count as two "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Hall is CAUTIONED that if he accumulates three "strikes" under § 1915(g), he will not be able to 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 § 1915(g).

APPEAL DISMISSED; MOTION DENIED; SANCTIONS WARNING ISSUED.