

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-60557
Conference Calendar

LOUIS C. DAVIS,

Plaintiff-Appellant,

versus

MISSISSIPPI DEPARTMENT OF CORRECTIONS;
JAMES V. ANDERSON, Superintendent,
Mississippi State Penitentiary;
WALTER BOOKER; LARRY HARDY; DWIGHT PRESLEY;
RICHIE PENNINGTON; LAURA HOPSON;
CASE MANAGER HAYWARD; RANDALL MILLER,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:98-CV-55-D-A

April 12, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Mississippi state prisoner Louis C. Davis, #16425, appeals the district court's dismissal of his 42 U.S.C. § 1983 civil rights action as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Davis argues that he was denied access to the courts because he was not given a sufficient amount of time to review his trial transcript properly. Because Davis has not pleaded any facts raising an allegation that he suffered an "actual injury," he has not shown that the district court abused its discretion in dismissing this claim as frivolous under § 1915(e)(2)(B)(i). See Lewis v. Casey, 518 U.S. 343, 351-54 (1996).

Davis's appeal is without merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2. The district court's dismissal of the present case and our dismissal of this appeal count as two strikes against Davis for purposes of 28 U.S.C. § 1915(g). We caution Davis that 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).

APPEAL DISMISSED; SANCTION WARNING ISSUED.