

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-60720  
Summary Calendar

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ALBERT EDMOND,

Plaintiff-Appellant,

versus

DAVID TURNER, Superintendent, Southern Mississippi Correctional Institute; FLORENCE JONES, ADOS, Southern Mississippi Correctional Institute; HUBERT JORDAN, Disciplinary Committee; DONALD WEST, Lieutenant; JERRY WALLEY, Lieutenant; KEITH DUNNAM, Sergeant; THOMAS MATHIAS, Sergeant; JAMES JOHNSON; REGINA HANCOCK; TERRI KILPATRICK; JAMES ANDERSON, Commissioner; LAQUINTA WRIGHT, Correctional Officer II, Area II; MICHAEL SUMNER, Captain, Warden, Area II Infirmary; MARIA SERAPIO, SMCI Medical Dir., Medical Director of Southern Mississippi Correctional Institute,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 2:99-CV-134-PG  
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April 27, 2000

Before GARWOOD, HIGGINBOTHAM and WIENER, Circuit Judges.

PER CURIAM:\*

Albert Edmond, Mississippi prisoner # 30523, appeals the district court's dismissal of his 42 U.S.C. § 1983 action for failure to state a claim pursuant to 28 U.S.C.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

§ 1915(e)(2)(B)(ii). He argues that the district court erred in dismissing his claims for denial of due process in his disciplinary proceedings; retaliatory transfer and job assignment; a violation of his right to privacy; failure to train; inadequate mental health care; deliberate indifference; and harassing statements. We have reviewed the record, the district court's opinion, and Edmond's brief, and we find that the district court did not err in dismissing Edmond's complaint for failure to state a claim. Black v. Warren, 134 F.3d 732, 733-34 (5th Cir. 1998). Further, we hold that Edmond's appeal is without arguable merit and is 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.

Edmond is hereby informed that the dismissal of this appeal as frivolous counts as a strike for purposes of 28 U.S.C. § 1915(g), in addition to the strike for the district court's dismissal for failure to state a claim. See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). We caution Edmond that once he accumulates three strikes, he may not 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).

APPEAL DISMISSED AS FRIVOLOUS.