

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

August 27, 2012

Lyle W. Cayce  
Clerk

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No. 11-41247  
Summary Calendar

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ANTHONY HOUSTON,

Plaintiff-Appellant

v.

OFFICER FRANCHELL DUNN; STEPHEN MARTIN, Licensed Vocational Officer; COREY FURR, Captain; KENNETH A. RAGLAND, Field Officer; MARY STOWE, Correctional Officer III,

Defendants-Appellees

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:11-CV-45

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Before JONES, Chief Judge, and DAVIS and DENNIS, Circuit Judges.

PER CURIAM:\*

Anthony Houston, Texas inmate # 1498598, appeals the dismissal of his civil rights complaint as frivolous under 28 U.S.C. § 1915A(b)(1). Houston argues that prison officials violated the Eighth Amendment when, knowing he was diabetic, they failed to provide him immediate medical attention upon seeing him unconscious on the day room floor.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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Houston's assertions, accepted as true, show that he experienced a two-hour delay in receiving treatment, not a denial of treatment, and his condition was treated by a doctor. Thus, he fails to state a claim for which relief can be granted. *See Farmer v. Brennan*, 511 U.S. 825, 834 (1994); *Gobert v. Caldwell*, 463 F.3d 339, 346 (5th Cir. 2006); *Mendoza v. Lynaugh*, 989 F.2d 191, 195 (5th Cir. 1993).

The district court's judgment is AFFIRMED. The district court's dismissal of Houston's complaint under § 1915A constitutes a strike for purposes of 28 U.S.C. § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996). We WARN Houston that if 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* § 1915(g).