

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40634  
Conference Calendar

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TOMMY E. SANDERS,

Plaintiff-Appellant,

versus

J. E. ALFORD, Warden; PATRICIA  
ADAMS, Property Room Supervisor,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:99-CV-194

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December 13, 2000

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:\*

Tommy E. Sanders, a Texas prisoner (# 744097), appeals from the district court's sua sponte dismissal of his 42 U.S.C. § 1983 civil rights complaint as frivolous, pursuant to 28 U.S.C. § 1915(e)(2). Sanders alleged that the defendants confiscated from him an \$8.95 "multi-outlet plug" he had purchased at the commissary of his previous prison. The district court did not abuse its discretion in concluding that Sanders had failed to state a cognizable constitutional claim regarding the deprivation

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of his property because Texas provides an adequate postdeprivation remedy. See Berry v. Brady, 192 F.3d 504, 507 (5th Cir. 1999); Murphy v. Collins, 26 F.3d 541, 543 (5th Cir. 1994).

Because the appeal is frivolous, it is DISMISSED. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

The dismissal of this appeal and the dismissal as frivolous by the district court each count as 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 caution Sanders 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.