

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-40959  
Conference Calendar

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ERNEST D. NEWMAN,

Plaintiff-Appellant,

versus

ROBERT A. BROCK, Doctor, Michael Unit; KENNETH W. BOWN,  
Doctor, Michael Unit; ANDREA J. MARTIN, R.N., Director of  
Nurses,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:00-CV-139  
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February 14, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Ernest D. Newman appeals the district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint for failure to exhaust administrative remedies. Newman has failed to brief this issue, as he has provided neither argument nor authorities to show that the district court erred in dismissing his suit. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993); Fed. R. App. P. 28(a)(9). Accordingly, this appeal is dismissed as frivolous.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

This dismissal of a frivolous appeal constitutes one strike against Newman for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). If two other district court actions or appeals filed by Newman are dismissed as frivolous, he will be barred from bringing a civil action or appeal as a prisoner proceeding in forma pauperis unless he is under imminent danger of serious physical injury. See § 1915(g).

APPEAL DISMISSED AS FRIVOLOUS. 5th Cir. R. 42.2. SANCTIONS WARNING ISSUED.