

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41164
Conference Calendar

DARRELL WAYNE JOHNSON,

Plaintiff-Appellant,

versus

N. JACKSON, Major; JACKSON, Miss; GROVER, Captain,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-00-CV-111

April 10, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Darrell Wayne Johnson appeals the dismissal of his 42 U.S.C. § 1983 suit. Johnson's brief is inadequate as it fails to cite to any facts or authorities supporting his claims. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993) (failure to brief issue adequately, even by *pro se* appellant, constitutes abandonment of claim). Further, he fails to demonstrate how the purported deletion of his mental status from Texas prison records violates any federal constitutional or statutory rights.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

For the foregoing reasons, we dismiss Johnson's appeal as frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). The magistrate judge's dismissal of Johnson's complaint and this court's dismissal of the appeal as frivolous count as two "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). The district court also dismissed a prior 42 U.S.C. § 1983 action by Johnson as frivolous. See Johnson v. Weseman, No. C-00-280 (S.D. Tex. Sept. 13, 2000). Thus, Johnson has three "strikes" and is now barred from proceeding *in forma pauperis* pursuant to 28 U.S.C. § 1915 while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury.

APPEAL DISMISSED; 28 U.S.C. § 1915(g) BAR ORDERED.