

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20054
Conference Calendar

L. T. ROBERSON,

Plaintiff-Appellant,

versus

TEXAS USA; GEORGE W. BUSH, JR., Governor; TEXAS HOUSE OF REPRESENTATION; TEXAS SECRETARY OF STATE DEPARTMENT; TEXAS SECRETARY OF STATE; TEXAS DEPARTMENT OF AGRICULTURE; STRING FELLOW, Texas Department Criminal Justice; ALLAN POLUNSKY, Texas Board Criminal Justice; TOM C. CLARK, Criminal Justice Policy Council; VICTO RODRIGUEZ, Texas Board of Pardons and Paroles; GERALD GARRETT, Texas Board of Pardons and Paroles; ETHIC COMMISSION OF TEXAS; PAROLE DIRECTOR; TEXAS COMMISSIONER OF HUMAN RIGHTS; WAYNE D. MORTY; ADJUTANT GENERAL, DEPARTMENT OF THE STATE OF TEXAS; HOUSE OF TEXAS SENATE; JOHN WHITMIRE, Criminal Justice Chairmen; PHIL GRAHAM, US Senate; LAWRENCE F. ALVIN, CPA; CAROL KEELER RYLANDER, Comptroller of Accounts; GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-00-CV-1055

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

L.T. Roberson (Roberson), Texas prisoner #705264, appeals the dismissal of his 42 U.S.C. § 1983 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii). Because Roberson does not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

adequately address the district court's reasons for dismissing his civil action, he has abandoned the only issues before this court. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Roberson's appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5TH CIR. R. 42.2. Roberson's motion for judicial notice is DENIED.

The dismissal of this appeal and the district court's dismissal of this lawsuit as frivolous constitute two strikes for purposes of the 28 U.S.C. § 1915(g) bar. Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Roberson has previously been issued one strike by this court. See Roberson v. Morales, No. 98-40832 (5th Cir. April 16, 1999). As Roberson has accumulated three strikes, he may not proceed *in forma pauperis* in any civil action or appeal brought in a United States court while he is incarcerated unless he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

MOTION DENIED; APPEAL DISMISSED AS FRIVOLOUS; THREE-STRIKES BAR IMPOSED.