

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20353  
Summary Calendar

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CLYDE URA CAIN, SR.,

Plaintiff-Appellant,

versus

MARY TERRY; CAPTAIN WEDGEWORTH;  
JAY MORGAN; KENT RAMSEY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CV-4011  
- - - - -

August 15, 2001

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

PER CURIAM:\*

Clyde Ura Cain, Sr., a Texas prisoner (# 401418), appeals the district court's order dismissing his 42 U.S.C. § 1983 civil rights complaint for failure to state a claim upon which relief may be granted, pursuant to 28 U.S.C. § 1915A(b). Cain alleged that the defendants violated the due process protections of Wolf v. McDonnell, 418 U.S. 539 (1974), in connection with disciplinary proceedings against him; Cain asserts that the disciplinary charges were false. The district court did not err in concluding that the period of solitary confinement and other

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

punishments imposed upon Cain did not implicate a liberty interest under the Due Process Clause. See Sandin v. Conner, 515 U.S. 472, 483-84 (1995); Pichardo v. Kinker, 73 F.3d 612, 612 (5th Cir. 1996). The court did not err in finding that the complaint failed to state a claim. See Ruiz v. United States, 160 F.3d 273, 274-75 (5th Cir. 1998).

Because Cain's appeal is without arguable merit, the appeal is DISMISSED as frivolous. 5TH CIR. R. 42.2; see Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). The dismissal of the instant appeal as frivolous and the district court's dismissal of his § 1983 complaint under § 1915A(b) each count as a "strike" under the three-strikes provision of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Cain is cautioned 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 § 1915(g).

APPEAL DISMISSED; SANCTION WARNING ISSUED.