

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40981
Conference Calendar

LARRY DEWAYNE YOUNG,

Plaintiff-Appellant,

versus

LAMAR COUNTY, TEXAS;
MARVIN ANN PATTERSON,
District Clerk of Lamar County,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 3:00-CV-33

April 11, 2002

Before SMITH, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Larry Dewayne Young, Texas prisoner # 579131, appeals the district court's dismissal of his 42 U.S.C. § 1983 lawsuit as frivolous and/or for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B). He renews his argument that his constitutional rights were violated when he was denied free copies of his state-court records.

As the district court determined, Young's claim is frivolous. See Smith v. Beto, 472 F.2d 164, 165 (5th Cir. 1973);

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

see also United States v. MacCollum, 426 U.S. 317, 319 (1976). Young's appeal is wholly without arguable merit, is frivolous, and is therefore DISMISSED. See 5TH CIR. 42.2; Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Young's motion "for consideration of his mental health disorder" is DENIED.

Both this court's dismissal of the instant appeal and the district court's dismissal of Young's complaint count as "strikes" for purposes of 28 U.S.C. § 1915(g). Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Young is CAUTIONED that if he accumulates a third strike, he will not be able to proceed in forma pauperis in any civil action or appeal while he is incarcerated in any facility unless he is in imminent danger of serious physical injury. 28 U.S.C. § 1915(g).

APPEAL DISMISSED; MOTION DENIED; THREE-STRIKES WARNING ISSUED.