

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60012
Conference Calendar

PAUL LEE TRIGGS,

Plaintiff-Appellant,

versus

C.C.A. CORPORATION; JODY BRADLEY; STEPHEN SPLATT;
UNKNOWN CRANTS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:00-CV-252-BrS
- - - - -

June 14, 2001

Before WIENER, DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:*

Paul Lee Triggs, Mississippi prisoner #40312, appeals from the district court's dismissal of his 42 U.S.C. § 1983 civil rights complaint as frivolous. Triggs alleged that the defendants intentionally destroyed his personal property without his permission, thereby violating his due process rights. The district court did not abuse its discretion in concluding that Triggs's claim for the deprivation of his personal property was frivolous. See Hudson v. Palmer, 468 U.S. 517, 533 (1984).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Mississippi has an adequate postdeprivation remedy for confiscation of prisoner property. See Nickens v. Melton, 38 F.3d 183, 185 (5th Cir. 1994).

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

The dismissal of this appeal and the dismissal as frivolous by the district court each count as a "strike" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Triggs therefore has two "strikes" under 28 U.S.C. § 1915(g). We caution Triggs 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 28 U.S.C. § 1915(g).

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.