

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-60169
Conference Calendar

EDWARD WHITAKER,

Plaintiff-Appellant,

versus

WALTER BOOKER, Superintendent, Community Service Director at
Parchman; JOHN WALLER, Chairperson on Classification Committee at
Parchman; VICTORIA GRANDERSON, Correctional Officer, Trainee,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:00-CV-223-B-A
- - - - -

October 26, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Edward Whitaker, Mississippi prisoner #R8074, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). Whitaker asserted a "failure-to-protect" claim arising from another inmate's stabbing of him. Whitaker has not sufficiently alleged deliberate indifference because he has failed to allege that prison officials knew that he faced a substantial risk of serious harm and that the officials disregarded that risk by failing to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

take reasonable measures to abate it. Farmer v. Brennan, 511 U.S. 825, 847 (1994). The district court did not err in dismissing his complaint as frivolous.

Whitaker's appeal is frivolous, and it is hereby DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. Whitaker is WARNED that the district court's dismissal of the present case as frivolous and this court's dismissal of his appeal as frivolous count as two strikes against him for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996).

APPEAL DISMISSED.