

April 23, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11363
Summary Calendar

TIMOTHY ROBERT KLINE

Plaintiff - Appellant

v.

BROWN COUNTY SHERIFF'S OFFICE AND JAIL EMPLOYEES,
GLENN SMITH, MARY BARRON, BROWN COUNTY DETENTION CENTER INMATES

Defendants - Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 1:02-CV-226

Before KING, Chief Judge, and DeMOSS and BENAVIDES, Circuit
Judges.

PER CURIAM:*

Timothy Robert Kline, Texas prisoner # 916910, appeals the district court's dismissal of his 42 U.S.C. § 1983 action as frivolous because it is time-barred. Kline's brief does not address the basis of the district court's dismissal of his action as time-barred. Although this court applies less stringent standards to parties proceeding pro se than to parties

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

represented by counsel and liberally construes briefs of pro se litigants, pro se parties must still brief the issues and reasonably comply with the requirements of FED. R. APP. P. 28. Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995). Because Kline does not address the district court's reasons for dismissing his claims, he has abandoned the claims. Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Kline's appeal is without arguable merit and, therefore, is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The district court's dismissal of this action as frivolous and this court's dismissal of this appeal as frivolous both count as "strikes" under 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996). Kline is advised that if he accumulates three strikes under 28 U.S.C. § 1915(g), 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 in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g). Kline's motion for appointment of counsel is DENIED.

APPEAL DISMISSED; MOTION DENIED; SANCTION WARNING ISSUED.