

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-30347
Conference Calendar

LINSTON ARMAND,

Plaintiff-Appellant,

versus

STATE OF LOUISIANA,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 02-CV-445-N

October 30, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Linston Armand, Louisiana prisoner # 100902, appeals the district court's dismissal of his 42 U.S.C. § 1983 action as frivolous and for failure to state a claim. Armand contends that the State of Louisiana violated his right to due process by failing to inform him of the Anti-terrorism and Effective Death Penalty Act's ("AEDPA") one-year statute of limitations for filing a federal petition for habeas corpus.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Neither the United States Constitution nor any federal statute requires a state or any state official to notify a person convicted in state court of the AEDPA's one-year limitations period for filing a federal habeas petition. The district court correctly dismissed Armand's 42 U.S.C. § 1983 complaint as frivolous and for failure to state a claim. See 28 U.S.C. §§ 1915(e)(2)(B)(i) and (ii); Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997); Harris v. Hegmann, 198 F.3d 153, 156 (5th Cir. 1999).

The dismissal of Armand's complaint by the district court counts as a strike under 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Armand is cautioned that if he accumulates three strikes, he will no longer be allowed to proceed in forma pauperis in any civil action or appeal filed while he is detained or incarcerated in any facility unless he is under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

AFFIRMED. SANCTION WARNING ISSUED.