

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-40995
Conference Calendar

AUGUSTUS C. WILLIAMS,

Plaintiff-Appellant,

versus

JANIE COCKRELL,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:02-CV-18

December 11, 2002

Before JOLLY, DAVIS, and JONES, Circuit Judges.

PER CURIAM:*

Augustus Williams, Texas inmate #615597, appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint. Williams alleged in the district court that he did not receive certain inmate trust fund account statements and that money was taken from his inmate trust fund account without his consent.

Williams's appellate brief is devoted to arguing the merits of his complaint and does not argue adequately that the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court erred in dismissing his complaint. Williams's appellate brief does not challenge the reasons for the district court's dismissal of his complaint. Williams has waived the only issues for appeal. Fed. R. App. P. 28(a)(9)(A); Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

This appeal is without arguable merit and is frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). It is therefore DISMISSED. 5TH CIR. R. 42.2.

The dismissal of this appeal counts as a strike under the Prison Litigation Reform Act. Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Williams is WARNED that if he accumulates three "strikes" under 28 U.S.C. § 1915(g) he will not be able to 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. 28 U.S.C. § 1915(g).

APPEAL DISMISSED, SANCTION WARNING ISSUED.