

October 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-41550
Conference Calendar

WARREN G. SMITH, JR.,

Plaintiff-Appellant,

versus

BOWIE COUNTY, TX, Sheriff Department's Head Authorities
Officials; DEWAYNE CANNON, Warden; BI-STATE BUILDING J
CENTER, Sheriff Department's Officials; MICHAEL P. CLAGHORN,
Correctional Official; ROBERT YATES, Correctional Official,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:01-CV-289

Before KING, Chief Judge, and JOLLY and STEWART, Circuit Judges.

PER CURIAM:*

Proceeding *pro se* and *in forma pauperis*, Warren G. Smith,
Jr., Texas prisoner # 490679, filed an interlocutory appeal from
the denial of his motion for injunctive relief in his 42 U.S.C.
§ 1983 suit. Smith has failed to brief any relevant issue and
therefore his appeal is DISMISSED AS FRIVOLOUS. See Howard v.
King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

* 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that this opinion should not be published and is not precedent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.

The dismissal of this appeal counts as a strike under 28 U.S.C. § 1915(g). Cf. In Re: Jacobs, 213 F.3d 289, 291 (5th Cir. 2000). Smith is warned that, if he accumulates two more strikes pursuant to 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 under imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

APPEAL DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED.