

United States Court of Appeals

Fifth Circuit

F I L E D

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

June 24, 2003

Charles R. Fulbruge III
Clerk

No. 02-41780
Conference Calendar

DAVID RALPH SELVER,

Plaintiff-Appellant,

versus

CORRECTION MEDICAL,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:02-CV-334

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

David Ralph Selver, Collin County, Texas, prisoner # 160221, appeals the dismissal as frivolous and for failure to state a claim of his 42 U.S.C. § 1983 action, in which he asserted that the defendant, Correction Medical Services, showed deliberate indifference to his serious medical needs. Selver's allegations sound in negligence or neglect, which are insufficient to warrant relief under 42 U.S.C. § 1983. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Selver has not established that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

medical employees knew that Selver "face[d] a substantial risk of serious harm and disregard[ed] that risk by failing to take reasonable measures to abate it." Farmer v. Brennan, 511 U.S. 825, 847 (1994).

Selver has not established that the district court erred in dismissing his 42 U.S.C. § 1983 action. See Black v. Warren, 134 F.3d 732, 733-34 (5th Cir. 1998). Consequently, the judgment of the district court is AFFIRMED.

After Selver filed the instant appeal *in forma pauperis* (IFP), this court imposed the three-strikes bar against him. See Selver v. Collin County Dist. Court, No. 02-41560 (Apr. 22, 2003) (unpublished). Selver is admonished that, in the future, he may not proceed IFP 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). Selver should review any pending appeals to ensure that they are not frivolous. Selver is admonished that filing frivolous appeals could result in the imposition of sanctions beyond those provided for in 28 U.S.C. § 1915(g).

AFFIRMED; WARNING ISSUED.