

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60488
Summary Calendar

VERONICA MCCALLUP,

Plaintiff-Appellant,

versus

CITY OF FLOWOOD; FLOWOOD POLICE DEPARTMENT; CITY OF BRANDON;
BRANDON POLICE DEPARTMENT; CITY OF RALIEGH; RALIEGH POLICE
DEPARTMENT; DARRELL THORNTON, Police Officer; MERIDIAN
POLICE DEPARTMENT; SOUTHWIND APARTMENTS; CITY OF MERIDIAN;
ROBERT SINGLEY, SR.; RICHLAND POLICE DEPARTMENT; CITY OF
RICHLAND, MISSISSIPPI; LARRY W. WALKER; JOHN DOES; RAYMOND
DELK; SMITH COUNTY, MISSISSIPPI,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:02-CV-170-BN

December 30, 2002

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

PER CURIAM:*

Veronica McCallup, Mississippi state prisoner # K1256,
appeals the district court's dismissal of her civil rights action
as duplicative and therefore malicious. See 28 U.S.C.
§ 1915(e)(2)(B)(i). Although McCallup challenges generally the

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that this opinion should not be published and is not precedent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

district court's dismissal, she does not challenge the basis of that dismissal, that her claims were duplicative of claims in other pending federal actions. Her failure to brief this issue is the same as if she had not appealed the judgment. See Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987).

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

The district court's dismissal of McCallup's complaint as frivolous and the dismissal of this appeal as frivolous both count as "strikes" pursuant to 28 U.S.C. § 1915(g). See Adepegba, 103 F.3d at 388. As McCallup has accumulated substantially more than three strikes, she is barred from bringing in forma pauperis any civil action or appeal while she is incarcerated or detained in any facility unless she is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

While this appeal has been pending, this court warned McCallup four times in her appeals, Nos. 02-60433, 02-60295, 02-60452, and 02-60400, that the prosecution of additional frivolous appeals would invite the imposition of additional sanctions and instructed her to review any pending appeals to determine whether they raise frivolous issues. She has not heeded our warning. Therefore, IT IS ORDERED that McCallup is

sanctioned \$25. IT IS ALSO ORDERED that McCallup remit payment to the Clerk of this Court. The Clerk of this Court and the clerks of all federal district courts within this Circuit are directed to refuse to file any pro se civil complaint or appeal by McCallup unless McCallup submits proof of satisfaction of this sanction. We WARN McCallup that if she continues to file frivolous actions or appeals, she will be subject to increasingly severe sanctions, including the ultimate denial of access to the judicial system absent specific prior court approval.

APPEAL DISMISSED AS FRIVOLOUS; THREE-STRIKES BAR NOTED;
SANCTION IMPOSED WITH DIRECTIONS TO THE CLERKS OF COURT.