

December 9, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-60578  
Conference Calendar

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BRIAN A. YOUNG,

Plaintiff-Appellant,

versus

SHELIA JENKINS, Homicide Detective,  
in her individual and official capacity,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 1:03-CV-22-GR  
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Before DAVIS, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:\*

Brian Young, Mississippi prisoner No. L0787, moves this court to appoint appellate counsel. The motion is denied. Young has appealed the dismissal of his in forma pauperis (IFP) civil rights complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The district court held that Young's complaint failed to state a claim on which relief may be granted because his claims are

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

barred by the doctrine of Heck v. Humphrey.\*\* Young has failed to show that the district court erred in determining that a judgment in Young's favor would necessarily implicate the validity of his conviction and sentence. Accordingly, we affirm the dismissal of the complaint.

The district court's dismissal of the complaint and this court's affirmance of the dismissal count as one strike against Young for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996). Young is warned that, should he accumulate three strikes, he will be barred from proceeding 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).

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED;  
SANCTIONS WARNING ISSUED.

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\*\* 512 U.S. 477, 487 (1994).