

December 20, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20456
Summary Calendar

EDWARD SANCHEZ HINOJOS,

Plaintiff-Appellant,

versus

BECKY A TIBBS, Librarian II,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:05-CV-2219

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Edward Sanchez Hinojos, Texas prisoner No. 1160674, appeals the district court's dismissal of his civil rights complaint alleging a denial of his right of access to the courts. The district court determined that the complaint was frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) and that it failed to state a claim for relief. Hinojos's pleadings do not establish that the defendant intentionally deprived him of access to the courts or that he suffered any injury as the result of her actions. Lewis v. Casey, 518 U.S. 343, 350-52 (1996); McDonald v. Steward, 132

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

F.3d 225, 230-31 (5th Cir. 1998). Hinojos's argument that the district court erred by dismissing his complaint prior to serving the defendant is without merit. § 1915(e)(2)(B)(i); 28 U.S.C. § 1915A.

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

The district court's dismissal of Hinojos's complaint and this court's dismissal of his appeal count as two strikes under 28 U.S.C. § 1915(g). Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). Hinojos is cautioned that if he accumulates three strikes, he may no longer 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 § 1915(g).

APPEAL DISMISSED; SANCTION WARNING ISSUED.