

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

June 7, 2012

Lyle W. Cayce
Clerk

No. 11-51224
Summary Calendar

COURTNEY ROYAL, Vampsh Black Sheep League of Doom Gardamun Family
Circle Master Vampire High Priest,

Plaintiff-Appellant

v.

DAWN GROUNDS, Warden, Alfred D. Hughes Unit; CHARLES GRIFFIN, JR.,
Chaplain, Alfred D. Hughes Unit; ELLIS E. HUTCHISON, Chaplain, Alfred D.
Hughes Unit; NELSON WALLACE, Chaplain; BILL AERCE, also known as Bill
Pierce; ASSISTANT WARDEN DEVERY MOONEYHAM; ERVING JENSEN,
Investigator #3, Alfred D. Hughes Unit; LEE KUZENKA, Investigator #2, Alfred
D. Hughes Unit; BARRY MORAN, Assistant Regional Director; STEPHAN
FULLMAN, Lieutenant, Law Library Supervisor; RICK THALER, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL
INSTITUTIONS DIVISION; BILLY PIERCE,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:10-CV-136

Before HIGGINBOTHAM, DAVIS, and ELROD, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-51224

Courtney Royal, Texas prisoner # 627058, moves this court for leave to proceed in forma pauperis (IFP) in his appeal of the district court's grant of summary judgment for the defendants on his civil rights claims. By moving for IFP status in this court, Royal is challenging the district court's certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); FED. R. APP. P. 24(a).

Royal asserts, without further explanation, that he intends to raise on appeal issues involving summary judgment; religious items, food diets, and service; spirit advisor; black Bible; and "rugs, rode, [and] beads." He does not address the district court's certification that his appeal was not taken in good faith, nor does he address any of the district court's reasons for its certification decision. *See Baugh*, 117 F.3d at 202. Accordingly, his challenge to the district court's certification decision is deemed abandoned. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Additionally, Royal has not shown that his appeal involves "legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted). Royal's motion for leave to proceed IFP on appeal is DENIED, and his appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.

This dismissal counts as a strike under 28 U.S.C. § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996). Royal is cautioned that if he accumulates three strikes under § 1915(g), he will not be able to 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* § 1915(g).