

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

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No. 16-31205  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 1, 2017

Lyle W. Cayce  
Clerk

LARRY WAYNE MCCRAY,

Plaintiff-Appellant

v.

UNITED STATES OF AMERICA,

Defendant-Appellee

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:16-CV-260

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Before WIENER, DENNIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:\*

Larry Wayne McCray, Louisiana prisoner # 314700, appeals the district court's judgment dismissing his 42 U.S.C. § 1983 civil rights complaint as frivolous under 28 U.S.C. § 1915(e). McCray sought a ruling from the district court that the Antiterrorism and Effective Death Penalty Act ("AEDPA") "and all other statutes, laws and rules" that prevented him from exercising his First Amendment right of access to the courts were unconstitutional.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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McCray points to no specific provision of the AEDPA and identifies no other statute, rule, or law restricting his right of access to the courts. He also fails to set forth any facts showing that the application of the AEDPA, or any other statute, has deprived him of “a reasonably adequate opportunity to file” a nonfrivolous claim. *Johnson v. Rodriguez*, 110 F.3d 299, 310-11 (5th Cir. 1997) (quotation marks and citation omitted). Moreover, both the Supreme Court and this court have consistently upheld the constitutionality of various provisions of the AEDPA.

Under the circumstances, the district court did not abuse its discretion in dismissing McCray’s complaint as frivolous. *See Geiger v. Jowers*, 404 F.3d 371, 373 (5th Cir. 2005). Accordingly, the district court’s judgment is AFFIRMED. Further, because the district court’s dismissal of McCray’s complaint as frivolous counts as a strike under Section 1915(g), McCray is WARNED that if he accumulates three strikes, he will not be allowed to proceed in forma pauperis in any civil action or appeal unless he is under imminent danger of serious physical injury. *See* § 1915(g).