

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

No. 17-20782
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

September 6, 2018

PATRICK DEWAYNE SANDERS,

Lyle W. Cayce
Clerk

Plaintiff-Appellant

v.

SERGEANT CHIPPI; HOUSTON POLICE DEPARTMENT,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:17-CV-3490

Before STEWART, Chief Judge, and GRAVES and DUNCAN, Circuit Judges.

PER CURIAM:*

Patrick Dewayne Sanders, Texas prisoner # 2549493, appeals the dismissal of his in forma pauperis (IFP) 42 U.S.C. § 1983 suit; the district court dismissed the suit as time barred and, therefore, frivolous. *See* 28 U.S.C. § 1915(e)(2)(b)(i); *see Moore v. McDonald*, 30 F.3d 616, 620 (5th Cir. 1994). However, Sanders does not acknowledge, much less address, the district court's time-bar holding, and he has therefore abandoned any challenge to 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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dismissal of his suit as time barred. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

The appeal is DISMISSED AS FRIVOLOUS. *See* 5TH CIR. R. 42.2. The district court's dismissal of Sanders's complaint and our dismissal of this appeal each count as a strike for purposes of § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 387 (5th Cir. 1996). Sanders is WARNED that, if he accumulates three strikes, he will no longer be allowed 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." § 1915(g).