

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

United States Court of Appeals
Fifth Circuit

FILED

June 5, 2018

Lyle W. Cayce
Clerk

No. 17-50457
Summary Calendar

JAMES ERIC HAMPTON,

Plaintiff-Appellant

v.

MEDICAL DIRECTOR DOUGLAS GREENE; PHYSICIAN ASSISTANT
MILTON TOGO,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 6:16-CV-430

Before DAVIS, CLEMENT and COSTA, Circuit Judges.

PER CURIAM:*

James Eric Hampton, Texas prisoner # 1188861, filed this § 1983 suit to seek redress for alleged acts of neglect and deliberate indifference to serious medical needs after he fell from the top bunk in his cell. He now appeals the district court's dismissal for failure to state a claim upon which relief could be granted due to lack of exhaustion. However, he fails to brief, and has thus

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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abandoned, the threshold issue whether the district court's exhaustion determination was erroneous. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). In any case, there is no error in the district court's judgment, and that judgment is AFFIRMED. His motion for the appointment of counsel is DENIED.

This district court's dismissal counts as one strike under 28 U.S.C. § 1915(g). *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1763 (2015). If Hampton garners two more strikes, he will not be allowed to proceed IFP in any civil action or appeal unless he is under imminent danger of serious physical injury. *See* § 1915(g).