

United States Court of Appeals  
for the Fifth Circuit

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No. 22-51035  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

May 4, 2023

Lyle W. Cayce  
Clerk

KELVIN LIONELL WRIGHT, II,

*Plaintiff—Appellant,*

*versus*

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF  
TEXAS, SAN ANTONIO DIVISION,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 5:22-CV-753

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Before BARKSDALE, HIGGINSON, and HO, *Circuit Judges.*

PER CURIAM:\*

Kelvin Lionell Wright, II, federal prisoner # 39615-380 and proceeding *pro se*, appeals the district court's: 28 U.S.C. § 1915A(b)(1) dismissal with prejudice of his complaint (under 42 U.S.C. § 1983) as frivolous; and dismissal without prejudice pursuant to Federal Rule of Civil

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\* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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Procedure 41(b) for failure to prosecute and to comply with a show-cause order.

Wright fails to challenge the reasons for the district court’s dismissal; therefore, he abandons any challenge he may have had to the court’s judgment. *E.g.*, *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993) (“Although we liberally construe the briefs of pro se appellants, we also require that arguments must be briefed to be preserved.” (citation omitted)); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987) (stating our court “will not raise and discuss legal issues” that appellant “failed to assert”). Accordingly, we dismiss the appeal as frivolous. *See* 5TH CIR. R. 42.2.

The district court’s dismissal of Wright’s complaint and our dismissal of his appeal each count as strikes under 28 U.S.C. § 1915(g). *E.g.*, *Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996), *abrogated in part on other grounds by Coleman v. Tollefson*, 575 U.S. 532, 534 (2015) (explaining Congress intended “both the dismissal in district court *and* the separate dismissal of the appeal as frivolous” count as individual strikes against appellant (emphasis in original)). Wright is WARNED: if he accumulates a total of three strikes, he may not proceed *in forma pauperis* (IFP) in any civil action or appeal while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g). As Wright is not proceeding IFP in the instant appeal, he is also WARNED: sanctions—including dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court’s jurisdiction—may be imposed in response to future frivolous filings.

DISMISSED; STRIKE IMPOSED; SANCTION WARNING ISSUED.