

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-11283  
Conference Calendar

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JOEL MASK,

Plaintiff-Appellant,

versus

ROBERT LAMPERT ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:97-CV-263  
- - - - -

August 18, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:\*

Joel Mask, Texas prisoner # 059445, appeals the district court's dismissal of his 42 U.S.C. § 1983 action. Mask does not address the merits of the district court's opinion. Failure to identify any error in the district court's analysis or application to the facts of the case is the same as if the appellant had not appealed that judgment. Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Mask's appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.

Mask is hereby put on notice that the dismissal of this appeal as frivolous constitutes his third "strike" under 28 U.S.C. § 1915(g) and that he may not proceed in forma pauperis in any civil action or appeal filed while he is in prison unless he "is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g); Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1997).\*\*

APPEAL DISMISSED AS FRIVOLOUS.

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\*\* The other "strikes" under § 1915(g) are Mask v. City of Slaton, No. 5:95-CV-0099-C (N.D. Tex. Jun. 29, 1995) and Mask v. Keesee, No. 5:94-CV-238-C (N.D. Tex. Dec. 22, 1994).