

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-21011
Summary Calendar

TONY SHANE PETERS

Plaintiff - Appellant

v.

COMMISSIONERS COURT, ET AL

Defendants

COMMISSIONERS COURT; K BROWNFIELD, Captain; S N EVETTS,
Sergeant; T A GUIDRY, Officer; J S SHIELDS; TOMMY B THOMAS,
Sheriff

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-94-CV-4324

August 28, 2000

Before KING, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Tony Shane Peters, Texas prisoner # 1133075, appeals following the jury verdict in his civil rights case against him and in favor of Officer T. A. Guidry and the summary judgment dismissal of claims against the Commissioners Court, Captain K. Brownfield, Sergeant S. N. Evetts, J. S. Shields, and Sheriff

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Tommy Thomas. The only issue Peters briefed is that his court-appointed attorney for his trial was ineffective.

There is no constitutional right to an attorney in a civil rights case, and we do review claims of ineffective assistance of counsel in such cases. See Sanchez v. United States Postal Serv., 785 F.2d 1236, 1237 (5th Cir. 1986). Peters' appeal fails to present an issue of arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). The appeal is DISMISSED as frivolous. See 5TH CIR. R. 42.2. Peters is hereby informed that the dismissal of this appeal as frivolous counts as a strike for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). We caution Peters that once he accumulates three strikes, he may not proceed in forma pauperis 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. See 28 U.S.C. § 1915(g).

APPEAL DISMISSED AS FRIVOLOUS.