

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40773
Summary Calendar

ANTHONY WAYNE WHITE,

Plaintiff-Appellant,

versus

JON C. HOLSTON, Officer

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:97-CV-149
- - - - -

April 16, 1998

Before DUHE', DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Anthony Wayne White, Texas prisoner #541668, appeals the dismissal of his 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief could be granted pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). White argues that the presence of a female guard during a body cavity search of his person violated his Fourth Amendment right to privacy. We have reviewed the record and White's brief, and we conclude that White's appeal is without merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). On three prior occasions White has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

brought actions or appeals that were dismissed as frivolous or for failure to state a claim. In White v. Zeller, this court dismissed as frivolous White's appeal from the district court's dismissal of a § 1983 complaint as frivolous. No. 96-41215 (5th Cir. Aug. 14, 1997) (two "strikes"); see Adepegba v. Hammons, 103 F.3d 383, 387 (5th Cir. 1996). In White v. Ferguson, this court affirmed the district court's dismissal of White's § 1983 complaint for failure to state a claim. No. 97-40685 (5th Cir. Dec. 15, 1997) (one "strike"). Accordingly, White is barred from proceeding IFP in the district court or in this court on any civil actions while he remains in prison, unless he is in imminent danger of serious physical injury. See 28 U.S.C. § 1915(g).

APPEAL DISMISSED.