

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20006
Conference Calendar

JOHNNIE LEE WILDER,

Plaintiff-Appellant,

versus

JOHN DOE, #1;
JOHN DOE, #2;
JOHNNY KLEVENHAGEN,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-3287
- - - - -

June 17, 1999

Before EMILIO M. GARZA, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Johnnie Lee Wilder, Texas inmate # 634752, seeks leave to proceed *in forma pauperis* (IFP) in the appeal of the dismissal of his civil rights complaint as frivolous pursuant to 28 U.S.C. § 1915(e)(2). By moving for IFP, Wilder is challenging the district court's certification decision that IFP status should not be granted on appeal because his appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Wilder, however, fails to present any argument addressing the certification decision. See *Brinkmann v. Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Because Wilder fails to show that he will raise a nonfrivolous issue on appeal, his motion to proceed IFP is DENIED. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Wilder's appeal is frivolous, and it is DISMISSED. 5TH CIR. R. 42.2. The dismissal of this appeal as frivolous counts as a strike for purposes of 28 U.S.C. § 1915(g). We caution Wilder that once he accumulates three strikes, he may not proceed IFP 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).

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.