

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-11091  
Conference Calendar

---

LORENZO HALE,

Plaintiff-Appellant,

versus

WILLIAM BAIRD, Sheriff;  
DUNCAN WHEELER, Jailer;  
RUNNELS COUNTY JAIL  
MEDICAL DEPARTMENT;  
JAMES SCRIVENER, Jailer,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 6:99-CV-22-BG  
- - - - -

April 14, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Lorenzo Hale, Texas prisoner # 776338, appeals from the dismissal as frivolous of his 42 U.S.C. § 1983 action as barred by the applicable statute of limitations. Hale reurges the merits of his claims, but he does not address the magistrate judge's holding that his complaint was untimely. Issues not raised or briefed on appeal are considered abandoned. Evans v. City of Marlin, Tex., 986 F.2d 104, 106 n.1 (5th Cir. 1993). The

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

record reflects that Hale's claims are barred by the statute of limitations. See Gonzales v. Wyatt, 157 F.3d 1016, 1019-20 (5th Cir. 1998). Because the appeal is frivolous, it is dismissed. See 5th Cir. R. 42.2. Hale's request for the appointment of counsel is DENIED.

The magistrate judge's dismissal of Hale's complaint as frivolous and this court's dismissal of the appeal as frivolous count as two "strikes" for purposes of § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). If Hale accumulates three "strikes" under § 1915(g), he will not be able to 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 § 1915(g).

APPEAL DISMISSED; MOTION DENIED; SANCTIONS WARNING ISSUED.