

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20495
Conference Calendar

ROBERT MEREDITH EAMES,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director - Texas Department of Criminal Justice,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-60

February 16, 2000

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

PER CURIAM:*

Robert M. Eames, Texas prisoner No. 363652, appeals the district court's dismissal as frivolous of a civil rights complaint challenging the alleged confiscation and/or destruction of items of his personal property. Eames' appellate brief makes it clear that this lawsuit is an attempt to relitigate an unsuccessful state court lawsuit. "[A]bsent specific law otherwise providing, . . . federal district courts lack jurisdiction to entertain collateral attacks on state court judgments." Liedtke v. State Bar of Texas, 18 F.3d 315, 317 (5th Cir. 1994). Thus, the appeal is frivolous and we dismiss it as

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

such. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983);
5TH CIR. R. 42.2.

The district court's dismissal of Eames' complaint and this court's dismissal of his appeal count as two "strikes" for purposes of 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 385-87 (5th Cir. 1996). Eames is cautioned that if he accumulates three "strikes" under § 1915(g), he will not be able to 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 § 1915(g).

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.