

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

March 13, 2008

No. 07-60104
Summary Calendar

Charles R. Fulbruge III
Clerk

JAMES NICHOLSON

Plaintiff-Appellant

v.

CHRISTOPHER EPPS; LINDA HOLMAN; CORRECTIONAL MEDICAL
SERVICES; DR JOHN BEARRY; DR KENTRELL LIDDELL

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:04-CV-560

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant James Nicholson, Mississippi prisoner # 36620, appeals the dismissal of his 42 U.S.C. § 1983 complaint as frivolous. The magistrate judge who presided with the consent of the parties concluded that Nicholson's allegations failed to state a claim on which relief could be granted. This ruling is not addressed by Nicholson on appeal so that issue is deemed to be abandoned. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); see also *Brinkmann*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Even though we liberally construe the pleading of pro se litigants, they still must identify errors and brief the relevant issues, which Nicholson has failed to do. See Yohey, 985 F.2d at 224-25. Accordingly, we dismiss Nicholson's appeal as frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

The dismissal of Nicholson's complaint and the dismissal of this appeal count as separate strikes for purposes of 28 U.S.C. § 1915(g). We caution Nicholson that if he accumulates one more such strike, he will not be entitled 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.

APPEAL DISMISSED; SANCTION WARNING ISSUED.