

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-10212  
Conference Calendar

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JAMES KEITH WILLIAMS,

Plaintiff-Appellant,

versus

JOANNA K. HOFF; CHADWICK A. NORTHCUTT; BETTY A. GANUS;  
RAYMOND E. RAMSEY; STEVE L. PATTY,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 7:01-CV-224-R  
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October 30, 2002

Before DeMOSS, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:\*

James Keith Williams, Texas prisoner #631673, seeks leave to proceed in forma pauperis (IFP) following the district court's determination pursuant to 28 U.S.C. § 1915(a)(3) that his appeal was taken in bad faith. Williams lists four issues for appeal, but he does not discuss any of those issues beyond merely stating them. Nor does Williams argue whether the district court erred by dismissing his civil rights claims pursuant to *Heck v.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

*Humphrey*, 512 U.S. 477 (1994), and *Edwards v. Balisok*, 520 U.S. 641 (1997), or whether the district court erred by dismissing any habeas corpus claims without prejudice for failure to exhaust state remedies. Williams has failed to brief any issues for appeal. *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Moreover, Williams's civil rights claims were frivolous, see *Clarke v. Stalder*, 154 F.3d 186, 189 (5th Cir. 1998)(en banc), and the district court correctly dismissed any habeas claims for failure to exhaust state remedies. See 28 U.S.C. § 2254(b)(1)(A). Williams's appeal is without arguable merit and is frivolous. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

The district court's dismissal of Williams's action and our dismissal of his appeal count as two strikes for purposes of 28 U.S.C. § 1915(g). Williams is warned that should he accumulate three strikes for purposes of 28 U.S.C. § 1915(g) he will be unable to proceed IFP in any civil action or appeal unless he is under imminent danger of serious physical injury.

IFP DENIED; APPEAL DISMISSED; SANCTIONS WARNING ISSUED.