

October 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-51325
Conference Calendar

MACIEL M. ROMAN,

Plaintiff-Appellant,

versus

EL PASO COUNTY SHERIFF'S DEPARTMENT,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:04-CV-399

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Maciel M. Roman, federal prisoner # 33878-180, appeals the district court's dismissal of his 42 U.S.C. § 1983 suit against the El Paso County Detention Center as well as the district court's dismissal of his motion seeking an order of protection with respect to Bureau of Prison (BOP) officials. The district court dismissed the § 1983 suit on the basis that Roman had failed to exhaust his administrative remedies. The court denied the motion regarding the BOP officials for lack of jurisdiction.

Roman's brief does not address either the district court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

conclusion that Roman did not exhaust his administrative remedies or that it lacked jurisdiction to consider his motion for an order of protection. Roman addresses only the underlying merits of his claims. Accordingly, he has abandoned the only issues on appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993); see also Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Although we construe a pro se litigant's pleadings liberally, even pro se litigants must identify errors and brief the relevant issues. See Yohey, 985 F.2d at 224-25.

Accordingly, we dismiss the appeal as frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 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 Roman that if he accumulates three strikes under 28 U.S.C. § 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.

APPEAL DISMISSED; SANCTION WARNING ISSUED.