IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

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No. 98-40731
Conference Calendar

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WILLIE A. MILTON ET AL.,

                                                Plaintiffs,

WILLIE A. MILTON,

                                                Plaintiff-Appellant,

versus

WAYNE SCOTT, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION, ET AL.,

                                                Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. G-96-CV-361

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April 16, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:[*]

        Willie A. Milton, Texas state prisoner #561014, appeals from

the district court's dismissal of his civil rights complaint as

frivolous and for failure to state a claim upon which relief

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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that this opinion should not be published and is not precedent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.

could be granted. Milton argues that he was retaliated against

for acting as a jailhouse lawyer for a fellow inmate. We have

reviewed the record and find no reversible error. See Milton v.

Scott, G-96-361 (S.D. Tex. May 15, 1998). To the extent that

Milton also raised a claim under the Americans with Disabilities

Act, he has abandoned such claim on appeal. See Yohey v.

Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

The appeal is without arguable merit and thus frivolous.

Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R.

42.2. With the dismissal of this appeal as frivolous and the

dismissal by the district court, along with the dismissal of

Milton's appeal in Sharp v. Scott, No. 98-40720, Milton now has

eight "strikes" for purposes of 28 U.S.C. § 1915(g). See

Adepegba v. Hammons, 103 F.3d 383, 387-88 (5th Cir. 1996).

Milton is reminded that he is barred from filing any civil action

or appeal in forma pauperis unless he is under imminent danger of

serious physical injury. § 1915(g). See Davis v. Scott, Nos.

98-40689 & 98-40695 (5th Cir. Feb. 10, 1999) (unpublished).

APPEAL DISMISSED; APPELLANT BARRED. See 28 U.S.C.

§ 1915(g).