

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

April 28, 2022

Lyle W. Cayce
Clerk

No. 21-40653

TODD ZUROVETZ,

Plaintiff—Appellant,

versus

CORRECTIONS OFFICER CHRISTOPHER ARGENBRIGHT;
CORRECTION OFFICER DARON C. LOFTON; CORRECTIONS
OFFICER JOHN DOE ONE; JOHN DOE TWO,

Defendants—Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:19-CV-481

Before SOUTHWICK, GRAVES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Todd Zurovetz, Texas prisoner # 1931368, seeks to appeal in forma pauperis (IFP) from a judgment entered after a jury verdict for the defendants in his 42 U.S.C. § 1983 action alleging excessive force. Zurovetz contends

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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only that certain evidence about his alleged injuries was withheld or not adduced. His conclusional assertion does not identify any nonfrivolous basis for challenging the jury's verdict.

Because he thus identifies no nonfrivolous issue for appeal, his IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5TH CIR. R. 42.2. All of Zurovetz's outstanding motions are DENIED.

This court's dismissal of the appeal as frivolous counts as a strike under 28 U.S.C. § 1915(g). *See* § 1915(g); *Coleman v. Tollefson*, 575 U.S. 532, 537 (2015); *McGarrah v. Alford*, 783 F.3d 584, 584-85 (5th Cir. 2015). Zurovetz has a prior strike. *See Zurovetz v. Hurt*, No. 5:19-CV-136 (N.D. Tex. Nov. 26, 2019). Accordingly, Zurovetz is WARNED that, if he accumulates three strikes, he will be barred from proceeding 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).