

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 16, 2008

No. 07-40063
Summary Calendar

Charles R. Fulbruge III
Clerk

EDDIE R FELDER

Plaintiff-Appellant

v.

R D MILES, Warden, United States Penitentiary Beaumont; SOLICITOR
GENERAL, United States Department of Justice; UNITED STATES BUREAU
OF PRISONS; UNIVERSITY OF TEXAS MEDICAL BRANCH

Defendants-Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:06-CV-10

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Eddie R. Felder, Texas prisoner # 1210034, challenges, pro se, the dismissal of his civil rights and Federal Torts Claims Act claims as barred by the statute of limitations. Felder does not brief, however, the dismissal of his complaint as untimely. Contentions must be properly briefed in order to be

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

preserved for appeal. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). In short, Felder has abandoned the dispositive issue on appeal. *Id.*

Accordingly, Felder's appeal is without arguable merit and, therefore, is dismissed as frivolous. See *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The dismissal of this appeal as frivolous counts as a strike under 28 U.S.C. § 1915(g). See *Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996). Felder is cautioned that if he accumulates three strikes under § 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. See § 1915(g).

APPEAL DISMISSED; SANCTION WARNING ISSUED.