

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

June 21, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 09-60543

Summary Calendar  
\_\_\_\_\_

JOE LOUIS BROOKS,,

Plaintiff-Appellant

v.

MAYOR JOHN ROBERT SMITH; CITY OF MERIDIAN POLICE DEPARTMENT; TERRELL THOMPSON; DAREALL THOMPSON; MARK CHANDLEE; THERMON BUCHANAN; CANTWELL; THAD FORD; GLADYS PRICE MCWILLIAMS; JOHN NELSON; MICHEL PHILLIPS,

Defendants-Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 4:08-CV-145  
\_\_\_\_\_

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:\*

Joe Louis Brooks, Mississippi prisoner # 83462, appeals the district court's dismissal pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) of his 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief could be granted. The district court found that Brooks's claims for monetary damages were barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). To the extent Brooks was seeking

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

habeas relief, the district court dismissed his claims without prejudice. The district court noted that its dismissal of Brooks's complaint counted as a strike under 28 U.S.C. § 1915(g).

Brooks has failed to brief the district court's reasons for the dismissal and has therefore abandoned the only grounds for appeal. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). His conditions-of-confinement allegations were not presented to the district court and need not be considered. *See Henderson v. Cockrell*, 333 F.3d 592, 605 (5th Cir. 2003).

Brooks's appeal is without arguable merit and therefore frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Because it is frivolous, it is dismissed. *See* 5TH CIR. R. 42.2. This court's dismissal of Brooks's appeal counts as another strike for purposes of 28 U.S.C. § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996). Brooks is cautioned that if he accumulates three strikes, he will no longer be allowed 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).

Brooks's request for an extension of time to file anything else that might be necessary is DENIED.

APPEAL DISMISSED; MOTION DENIED; SANCTION WARNING ISSUED.