

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

No. 14-10621
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
September 10, 2014
Lyle W. Cayce
Clerk

LAWRENCE ALAN HABERMAN,

Plaintiff-Appellant

v.

UNITED STATES OF AMERICA

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CV-223

Before SMITH, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

The district court dismissed the complaint of Plaintiff-Appellant Lawrence Alan Haberman, a federal prisoner, pursuant to 28 U.S.C. §1915A(b), by order signed May 6, 2014, for reasons cogently explained in the court's Memorandum Opinion and Order of even date. Our review of Haberman's appellate brief, the record on appeal, and 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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opinion satisfies us that the court's final judgment should be, and is hereby, affirmed in all respects.

Furthermore, the district court's dismissal of Haberman's complaint constitutes a strike for purposes of 28 U.S.C. §1915(g).¹ Haberman is cautioned that if he accumulates three strikes under §1915(g), he will not 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.²

AFFIRMED.

¹ See *Adepegba v. Hammons*, 103 Fed.3d 383, 387-88 (5th Cir. 1996).

² See §1915(g).