

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 15-20075
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 19, 2017

Lyle W. Cayce
Clerk

ALBERT HARRIS,

Plaintiff-Appellant

v.

MARSHA MOBERLY; CHARLES SHIPMAN; JAMES LAFAVERS,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:15-CV-101

Before JONES, WIENER, and CLEMENT, Circuit Judges.

PER CURIAM:*

Albert Harris, Texas prisoner # 677922, appeals the dismissal of his 42 U.S.C. § 1983 complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), as frivolous and for failure to state a claim on which relief could be granted. The district court did not err in dismissing the complaint, as Harris's claims surrounding his initial parole interview lacked an arguable basis in law or contained insufficient factual matter to state a plausible claim for relief. *See*

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009); *Samford v. Dretke*, 562 F.3d 674, 678 (5th Cir. 2009). Accordingly, the judgment is AFFIRMED.

The dismissal of Harris's complaint as frivolous and for failure to state a claim on which relief may be granted counts as a strike under § 1915(g). *See* 28 U.S.C. § 1915(g); *Coleman v. Tollefson*, 135 S. Ct. 1759, 1763-64 (2015); *Adepegba v. Hammons*, 103 F.3d 383, 387–88 (5th Cir. 1996). Harris is WARNED that if he accumulates three strikes, 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. *See* § 1915(g).