

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 8, 2019

Lyle W. Cayce  
Clerk

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No. 18-50050  
Summary Calendar

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JAMES ERIC HAMPTON,

Plaintiff-Appellant

v.

JOHN KELLY,

Defendant-Appellee

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:17-CV-325

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Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:\*

Proceeding in forma pauperis (IFP), James Eric Hampton, Texas prisoner # 1188861, appeals the district court's dismissal of his 42 U.S.C. § 1983 suit under 28 U.S.C. § 1915(e) for failure to state a claim upon which relief could be granted. However, Hampton does not address the district court's reasons for judgment in his brief with this court but instead simply reiterates the facts underlying his claims and the claims themselves. His

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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failure to point to any error in the district court's reasoning puts him in the same position as if he had not appealed the judgment at all. *See Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because he has not briefed any error in the district court's judgment, that judgment is AFFIRMED.

The district court's dismissal counts as one strike under 28 U.S.C. § 1915(g), as do two other district court dismissals of § 1983 suits filed by Hampton for failure to state a claim upon which relief could be granted. *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1763 (2015); *Hampton v. Greene*, 725 F. App'x 318, 319 (5th Cir. 2018); *Hampton v. Kelly*, No. 6:18-CV-00031 (W.D. Tex. March 9, 2018). Because Hampton now has three strikes under § 1915(g), he is barred under § 1915(g) 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).

AFFIRMED; § 1915(g) BAR IMPOSED.