

**FILED**

June 23, 2004

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 03-51140  
Conference Calendar

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ADRON P. BRAINERD,

Plaintiff-Appellant,

versus

JOE JAMES SAWYER,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-03-CV-346  
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Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Adron P. Brainerd (Brainerd) appeals the dismissal of his diversity action which was dismissed under the doctrine of *res judicata*. In his *pro se* brief, Brainerd does not brief the issue of whether his second action was barred by the doctrine of *res judicata*. Although *pro se* litigants are afforded liberal construction, even *pro se* litigants must brief arguments in order to preserve them. See Yohey v. Collins, 985 F.2d 222, 224-225 (5th Cir. 1993). Thus, the issue is deemed abandoned. Id. at

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

225. Because Brainerd has failed to argue the only issue arguably on appeal, the appeal is frivolous and must be DISMISSED as such. See 5TH CIR. R. 42.2. Brainerd is WARNED that the filing of future frivolous appeals may result in sanctions.

APPEAL DISMISSED AS FRIVOLOUS; SANCTIONS WARNING ISSUED.