

April 22, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20423
Conference Calendar

ARTHUR E. JOHNSON,

Plaintiff-Appellant,

versus

HARRIS COUNTY, TEXAS; NATHAN GREEN; CITY OF HOUSTON;
CHARLES BACARISSE; ROBERT ECKELS; LEE BROWN, Mayor;
JAMES ANDERSON; TOMMY THOMAS; MANNING,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-99-CV-154

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Arthur E. Johnson appeals from the denial of a FED.
R. Civ. P. 60 motion to reinstate, following dismissal without
prejudice, his 42 U.S.C. § 1983 complaint. Johnson provides only
a summary of the facts underlying his claims and fails to address
whether the district court abused its discretion by denying the
Rule 60 motion. See Edwards v. City of Houston, 78 F.3d 983, 995
(5th Cir. 1996) (en banc).

* 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that this opinion should not be published and is not precedent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.

This court "will not raise and discuss legal issues that [an appellant has] failed to assert." See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Because Johnson's appeal lacks arguable merit, it is DISMISSED as FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. Johnson's motion for the appointment of counsel is DENIED.