

June 24, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-41301  
Conference Calendar

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JERRY LYNN WILKINS,

Petitioner-Appellant,

versus

SUZANNE R. HASTINGS,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 5:01-CV-335  
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Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Jerry Lynn Wilkins, a federal prisoner (# 27842-077), filed a petition under 28 U.S.C. § 2241 seeking to challenge his 1995 convictions on multiple counts of conspiracy, frauds and swindles, and aiding and abetting. The district court dismissed Wilkins's petition without prejudice due to his failure to comply with a court order that he replead his petition with more specificity. Wilkins filed this appeal challenging the district court's dismissal of his petition.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

On appeal, Wilkins argues only the propriety of the court order requiring him to replead his petition. His failure to brief the non-compliance-with-a-court-order issue, the basis of the dismissal of his habeas petition, is the same as if he had not appealed the judgment. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Accordingly, the appeal is without arguable merit, and we dismiss the appeal as frivolous. See Howard v. King 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED AS FRIVOLOUS.