

April 16, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50844
Summary Calendar

ANTHONY RODRIGUEZ,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
(01-CV-726)

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Anthony Rodriguez appeals, *pro se*, from the dismissal with prejudice of his civil rights complaint against the United States alleging numerous physical and mental ailments, financial difficulties, and inability to obtain relief from prior actions. Rodriguez's complaint was dismissed, pursuant to FED. R. CIV. P. 12(b)(6), for failure to state a claim.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

We normally review a 12(b)(6) dismissal *de novo*. *E.g.*, ***Bazrowx v. Scott***, 136 F.3d 1053, 1054 (5th Cir.), *cert. denied*, 525 U.S. 865 (1998). However, Rodriguez has not challenged in this court the district court's reasons for dismissing his complaint. Accordingly, it is as if Rodriguez had not appealed the judgment. See ***Brinkmann v. Dallas County Deputy Sheriff Abner***, 813 F.2d 744, 748 (5th Cir. 1987).

Rodriguez's appeal is without arguable merit and is frivolous. See ***Howard v. King***, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is **DISMISSED**. See 5TH CIR. R. 42.2. We caution Rodriguez that any further frivolous pleadings of any kind may result in the imposition of sanctions, including dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction.

APPEAL DISMISSED AS FRIVOLOUS; SANCTIONS WARNING ISSUED