

FILED

October 3, 2003

Charles R. Fulbruge III
Clerk

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50255
Summary Calendar

FERNANDO SPENCER,

Plaintiff-Appellant,

versus

JEFFREY SHOUP, Warden; FNU BARINTES, Mrs.;
FNU MORENO, Mrs.; FNU BOTKINS, Mrs.;
FNU ALVAREZ, Mr.; FNU DURAN, Mr.; GRW CORP.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(MO-01-CV-133)

Before BARKSDALE, EMILIO M. GARZA, and DENNIS, Circuit Judges.

PER CURIAM:*

Fernando Spencer, federal prisoner # 10714-180, appeals, *pro se*, the summary judgment dismissing his 42 U.S.C. §1983 claim.

(Spencer's motion for the appointment of counsel is **DENIED**.)

Spencer has shown no error in the district court's determination that Spencer failed to exhaust available administrative remedies. See 42 U.S.C. § 1997e(a); see *Porter v.*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Nussle, 534 U.S. 516, 524 (2002); **Wright v. Hollingsworth**, 260 F.3d 357, 358 (5th Cir. 2001).

Although required to do so under 42 U.S.C. § 1997e(e), Spencer failed to identify a specific physical injury. Nor did he present the issue in his brief; therefore, he has abandoned it for purposes of appeal. See, e.g., **Yohey v. Collins**, 985 F.2d 222, 224-25 (5th Cir. 1993).

MOTION DENIED; AFFIRMED