

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

May 14, 2008

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No. 07-40959  
Summary Calendar

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Charles R. Fulbruge III  
Clerk

ELPIDIO DELGADO, JR

Plaintiff-Appellant

v.

BUREAU OF PRISONS; KATHLEEN HAWK-SAWYER; M MORRISON

Defendants-Appellees

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 1:05-CV-401

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Before KING, DAVIS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Elpidio Delgado, Jr., federal prisoner # 83283-079, appeals the district court's dismissal of his complaint challenging Bureau of Prisons (BOP) Program Statement 1351.05 under the Administrative Procedures Act, the Freedom of Information Act, and the First Amendment. Delgado does not challenge the district court's dismissal of his claims arising under the Administrative Procedures Act and the First Amendment. Because Delgado fails to brief these

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

issues, they are deemed abandoned. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Delgado's challenge to Program Statement 1351.05 is without merit and fails to state a claim for relief under the Freedom of Information Act. See *Harris v. Hegmann*, 198 F.3d 153, 156 (5th Cir. 1999). Accordingly, the judgment of the district court is AFFIRMED.