

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-41175
Conference Calendar

JOSÉ MARIO MARTINEZ,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA; JANET RENO,
US Attorney General, In her Individual Capacity;
JOHN ASHCROFT, US Attorney General, in his Official Capacity;
KATHLEEN HAWK SAWYER, In her Official & Individual Capacity as
Director of the Bureau of Prisons; JOHN TOMBONE, In his Official
& Individual Capacity,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:99-CV-183

June 14, 2001

Before WIENER, DeMOSS, and DENNIS, Circuit Judges

PER CURIAM:*

José Mario Martinez appeals the district court's judgment granting summary judgment to the defendants and dismissing his "Civil Rights Complaint/Bivens Action" with prejudice.

Martinez has failed to raise as error the district court's determination that it lacked jurisdiction over the defendants in both their individual and official capacities. Although this court liberally construes the briefs of pro se litigants, pro se

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

parties must still brief the issues and comply with the standards of Rule 28 of the Federal Rules of Appellate Procedure. Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995). Martinez does not make any arguments addressing the merits of the district court's jurisdictional determination. This court will not raise and discuss legal issues that the appellant has failed to assert. Failure by the appellant to identify any error in the district court's analysis or application to the facts of the case is the same as if the appellant had not appealed that judgment. Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Because the district court's jurisdictional determination must therefore stand, it is unnecessary to address the merits of Martinez's constitutional arguments.

AFFIRMED.