

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-51115
Conference Calendar

JOHN LEE COOK, SR.,

Plaintiff-Appellant,

versus

TEXAS BOARD OF PARDONS AND PAROLES,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. MO-00-CV-28

April 10, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

John Lee Cook, Sr., former Texas prisoner 672488, argues that the district court erred in dismissing his 42 U.S.C. § 1983 complaint as frivolous pursuant to 28 U.S.C. § 1915A because the Texas Board of Pardons and Paroles ("Board") illegally extended his sentence by denying him parole or revoking his parole based on void convictions, evidence of substance abuse relied upon in prior proceedings, or unauthenticated evidence of substance abuse. Cook is seeking only monetary compensation from the Board.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cook has not challenged the district court's dismissal of his complaint against the Board based on Eleventh Amendment immunity. Thus, he has abandoned the sole ground for appeal. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

Because Cook has failed to raise an issue of arguable merit, the appeal is frivolous and is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

Cook's request for injunctive relief is DENIED.