

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20951  
Summary Calendar

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ALS SCAN, INC.,

Plaintiff-Appellee,

versus

DAVID WEINZAPFEL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-01-CV-1500  
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September 30, 2002

Before JOLLY, HIGGINBOTHAM and PARKER, Circuit Judges.

PER CURIAM:\*

David Weinzapfel appeals the district court's grant of summary judgment to ALS Scan, Inc. (ALS), in this copyright infringement suit. Weinzapfel argues that ALS should not be permitted to recover damages from him because ALS has "unclean hands." Weinzapfel did not raise this argument in the district court. Consequently, we will not consider it. See Leverette v. Louisville Ladder Co., 183 F.3d 339, 342 (5th Cir. 1999).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Weinzapfel has not briefed any issues that are properly before this court, his appeal is without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because this appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.