

June 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-11376
Conference Calendar

MICHAEL DENNIS HOLGUIN,

Plaintiff-Appellant,

versus

TARRANT COUNTY SHERIFF'S DEPARTMENT,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:02-CV-962-A

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Michael Dennis Holguin, Texas prisoner # 0328959, appeals the district court's dismissal without prejudice of his 42 U.S.C. § 1983 complaint for failure to exhaust, as required by 42 U.S.C. § 1997e(a). However, in his appellate brief, Holguin does not address the district court's dismissal of his complaint for failure to exhaust.

Although this court applies less stringent standards to parties proceeding pro se than to parties represented by counsel

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and liberally construes briefs of pro se litigants, pro se parties must still brief the issues and reasonably comply with the requirements of FED. R. APP. P. 28. Grant v. Cuellar, 59 F.3d 523, 524 (5th Cir. 1995). Holguin's failure to identify any error in the district court's legal analysis or the application of law "is the same as if he had not appealed that judgment." Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Because Holguin has not briefed the only appealable issue, his appeal is without arguable merit and is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The dismissal of this appeal as frivolous is counted as one strike under 28 U.S.C. § 1915(g). See Adepegba v. Hammons, 103 F.3d 383, 388 (5th Cir. 1996).

In Holquin v. Salvant, 02-11040 (5th Cir. Apr. 22, 2003), Holguin received another strike under 28 U.S.C. § 1915(g), and we warned him to review pending appeals and actions to ensure that they were not frivolous. Holguin has not heeded that warning, and we further warn him that the filing of frivolous pleadings in this court or in the district court or the prosecution of frivolous actions or appeals will subject him to sanctions beyond those prescribed in 28 U.S.C. § 1915(g), including monetary penalties and restrictions on his ability to file actions and appeals.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED.