

June 24, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30930  
Conference Calendar

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ALI REZA DADI,

Petitioner-Appellant,

versus

JOSEPH M. HARO,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 01-CV-1267  
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Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Ali Reza Dadi ("Dadi"), federal prisoner number 59270-079, appeals the district court's dismissal with prejudice of his application for a federal writ of habeas corpus.

Dadi did not raise his double jeopardy clause argument until his reply brief, and it is deemed abandoned. See Cousin v. Trans Union Corp., 246 F.3d 359, 373 n.22 (5th Cir.), cert. denied, 534 U.S. 951 (2001). Dadi argues for the first time on appeal that various actions by the investigating officer and the Bureau of

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Prisons constitute the obstruction of justice and violated his due process and equal protection rights. This court does not consider issues raised for the first time on appeal "unless they involve purely legal questions and failure to consider them would result in manifest injustice." Blanks v. Murco Drilling Corp., 766 F.2d 891, 897 (5th Cir. 1985). Because these issues do not involve purely legal questions and because Dadi could have raised these issues in his application but did not, there is no manifest injustice in declining to address these issues on appeal. See id.

As there is no argument properly before this court, the appeal is frivolous and is dismissed as such. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED.