

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50126
Conference Calendar

BARRY LYNN COX,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA; INTERNAL
REVENUE SERVICE; US PROBATION OFFICE;
MARK HEWETT, Senior US Probation Officer,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-01-CV-708

August 20, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Barry Lynn Cox appeals the district court's dismissal of his tort claims against the Government pursuant to FED. R. CIV. P. 12. Cox's motion to supplement the record on appeal is DENIED. See Trinity Industries, Inc. v. Martin, 963 F.2d 795, 799 (5th Cir. 1992).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cox has failed to brief the district court's dismissal of his complaint as barred by the Federal Tort Claims Act. Arguments must be briefed in order to be preserved. Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Claims not adequately argued in the body of the brief are deemed abandoned on appeal. Id. Thus, Cox is deemed to have abandoned the issue on appeal. To the extent Cox is attempting to attack his underlying criminal conviction, those claims are barred by Heck v. Humphrey, 512 U.S. 477 (1994).

Cox's appeal is without merit and is, therefore, frivolous. Accordingly, the appeal is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED; MOTION DENIED.