

**FILED**

June 23, 2004

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 03-31067  
Conference Calendar

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RAYFIELD JOSEPH THIBEAUX,

Plaintiff-Appellant,

versus

CHARLES FULBRUGE, III; THOMAS B. THOMPSON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 6:03-CV-1271  
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Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Rayfield Joseph Thibeaux appeals the district court's dismissal of his civil rights complaint in which he alleged that federal officials denied him the constitutional right of access to the courts.

Thibeaux does not set forth argument citing to the record and fails to identify error in the district court's determinations and conclusions. When an appellant fails to identify error in the district court's decision, it is as if the appellant had not appealed that judgment. See Brinkmann v.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Additionally, Thibeaux's allegations of constitutional violations are conclusional and he fails to provide a coherent statement of the law governing his claims. He therefore has failed to comply with FED. R. APP. P. 28(a)(9), which requires that the brief contain an argument, with "contentions and the reasons for them, with citations to the authorities and parts of the record on which the appellant relies" and "for each issue, a concise statement of the applicable standard of review." See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). Thibeaux's appeal is therefore DISMISSED as frivolous. See 5TH CIR. R. 42.2; Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

Thibeaux provides a one-sentence request for the appointment of an attorney and a one-sentence request that this court remand the case to the district court. Thibeaux has also filed a motion seeking Government assistance, in which he asserts that he is now living in a hostile environment since he filed this lawsuit and a prior lawsuit. Thibeaux's motions do not comply with FED. R. APP. P. 27(a)(2), which requires that a motion state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it. All of his outstanding motions are DENIED.

Thibeaux has previously had at least two appeals dismissed as frivolous. See Thibeaux v. Jackson, No. 99-20657, slip op., passim (5th Cir. December 28, 1999) (unpublished) and Thibeaux v.

Texas Dep't of Criminal Justice, No. 99-10495, slip op., passim (5th Cir. December 16, 1999) (unpublished). Accordingly, Thibeaux is WARNED that any future frivolous pleadings filed by Thibeaux in this court or in any court subject to the jurisdiction of this court will subject Thibeaux to sanctions. Thibeaux should review any pending matters to ensure that they are not frivolous.

APPEAL DISMISSED AS FRIVOLOUS; ALL OUTSTANDING MOTIONS DENIED; SANCTIONS WARNING ISSUED.