

April 20, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60827
Conference Calendar

KELVIN BERNARD STEPHENS,

Plaintiff-Appellant,

versus

KHURSHID Z. YUSUFF,

Defendants,

DENISE BOWELS; UNITED STATES OF AMERICA,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:00-CV-134-BrS

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Kelvin Bernard Stephens, federal prisoner #48329-019, appeals from the district court's dismissal of his civil-rights lawsuit, in which Stephens alleged claims under the Privacy Act, the Freedom of Information Act, Bivens¹, the Federal Tort Claims

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971).

Act ("FTCA"), and 42 U.S.C. §§ 1983, 1985, 1985(3), and 1986. On appeal, Stephens has briefed only his challenge to the dismissal of his FTCA and Bivens claims seeking monetary damages for failure to state a claim upon which relief may be granted. He has therefore abandoned any challenge to the dismissal of his other claims. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993).

Stephens sought monetary damages in his FTCA and Bivens claims to compensate him for alleged mental suffering he attributed to the defendants' actions. As he did not allege a physical injury, his claims were barred by 42 U.S.C. § 1997e(e). His challenged claims were therefore properly dismissed for failure to state a claim upon which relief could be granted. See Harris v. Hegmann, 198 F.3d 153, 156 (5th Cir. 1999).

The district court's judgment is AFFIRMED.