

FILED

November 10, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-10581
Summary Calendar

DONNELL LINTHECOME,

Plaintiff-Appellant,

versus

JOHN W. SNOW, SECRETARY, DEPARTMENT
OF TREASURY,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
(USDC No. 3:05-CV-27)

Before REAVLEY, JOLLY and OWEN, Circuit Judges.

PER CURIAM:

The judgment of the district court is affirmed.

Linthecome argues that the grievance procedure he selected did not require appeal to the arbitrator, a step that is required for exhaustion of the administrative remedies.

That same contention was raised in the prior appeal. He lost that appeal for failure to

exhaust administrative remedies, and now he offers no support for his contention that an appeal to an arbitrator is not required or that anything has changed.

The jurisdiction of the court over the exhaustion issue was resolved in the prior cases. Linthecome is estopped to raise it here.

AFFIRMED.