

**FILED**

August 21, 2007

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 06-30693  
Conference Calendar

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TINA EMERSON

Plaintiff-Appellant

v.

THE STATE OF LOUISIANA

Defendant-Appellee

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:06-CV-2133

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Before HIGGINBOTHAM, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Tina Emerson is appealing the district court's dismissal of her pro se civil rights complaint as frivolous and for failure to state a claim. Emerson argues that she was illegally convicted of a crime against nature and that her prior civil rights complaint challenging that conviction was improperly dismissed under *Heck v. Humphrey*, 512 U.S. 477 (1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court determined that Emerson had brought the claims raised in the instant complaint in her former civil rights complaint that was dismissed. The district court noted that Emerson acknowledged that her conviction had not been overturned or otherwise invalidated and, thus, she had not complied with Heck. In dismissing the complaint, the district court determined that Emerson was bound by the judgment in the earlier case.

Emerson continues to complain about the invalidity of her conviction and the dismissal of her first civil rights suit but has not challenged the district court's basis for dismissing the instant complaint. Arguments must be properly briefed in order to be preserved for appeal. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Therefore, Emerson has abandoned the dispositive issue on appeal. *Id.* Emerson's appeal is without arguable merit and, thus, is dismissed as frivolous. See *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

Emerson is cautioned that any future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction may subject her to sanctions.

Emerson's motions to supplement the record, for appointment of counsel, and to dismiss the registry requirement are denied.

APPEAL DISMISSED; SANCTION WARNING ISSUED; MOTIONS DENIED.