

March 22, 2007

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-50632
Summary Calendar

UNITED STATES, ex rel., LEELAND O. WHITE,

Plaintiff-Appellant,

versus

APOLLO GROUP, INC.; UNIVERSITY OF PHOENIX; UNIVERSITY OF PHOENIX
ONLINE; INSTITUTE FOR PROFESSIONAL DEVELOPMENT; APOLLO FINANCIAL
SERVICE; ANDERSEN APOLLO FINANCIAL SERVICES; SNELL AND WILMER,
Attorneys at Law,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
(No. 3:04-CV-452)

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:^{*}

Before the court is an appeal from the district court's Rule 11 sanction against pro se litigant, Leeland O. White, for vexatious and frivolous litigation and for abusing the court system. Prior to imposing the sanctions, the district court had dismissed White's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

substantive claim, which alleged that the defendants violated the False Claims Act through various frauds.¹ The court entered a final judgment dismissing this claim in January 2006. White appealed from that judgment, and this court dismissed that appeal.

The present appeal was timely filed in May 2006 as to the district court's sanctions order, which followed the defendants' compliance with Rule 11's safe harbor provision and two previous warnings to White about the possibility of sanctions. White's brief to this court, however, does not address at all the propriety of the sanctions; instead, White puts forth various arguments related to the district court's dismissal of his substantive claim. Although pro se briefs are afforded liberal construction, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), arguments must be briefed to be preserved. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). White has thus waived any argument to the propriety of sanctions. As to White's arguments concerning the district court's dismissal of his substantive claim, White has already appealed from that judgment, and this court dismissed that appeal. In any event, White's May 2006 notice of appeal is untimely as to the final judgment filed over three months earlier. See FED. R. APP. P. 4(a)(1), 4(a)(4)(A)(iii); see also *Moody Nat'l Bank of Galveston v. GE Life & Annuity Assurance Co.*, 383 F.3d 249, 252-53 (5th Cir. 2004).

AFFIRMED. The defendants-appellees' motion for attorney's fees is DENIED.

¹The United States declined to intervene in White's suit.