

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 10, 2012

Lyle W. Cayce
Clerk

No. 10-60738
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MARSHUN D. STEWART,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 2:09-CR-157-1

Before REAVLEY, SMITH, and PRADO, Circuit Judges.

PER CURIAM:*

Marshun D. Stewart appeals the district court's denial of his motion for a new trial. His brief contains no citations to the record in support of either his statement of the facts or his legal argument. Pursuant to FED. R. APP. P. 28(a)(7) & (9), the appellant's brief must include "a statement of facts relevant to the issues submitted for review with appropriate references to the record" and an argument section that contains the "appellant's contentions and the reasons for them, with citations to the authorities and parts of the record on which the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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appellant relies.” Because Stewart has not provided any record support for his contentions that the district court erred in denying his motion for a new trial, he has abandoned this issue by failing to adequately brief it. *See United States v. Cothran*, 302 F.3d 279, 286 n.7 (5th Cir. 2002); *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Even if counsel’s unsupported arguments were considered, no abuse of discretion by the district court has been shown. *See United States v. Piazza*, 647 F.3d 559, 565 (5th Cir. 2011).

AFFIRMED.