

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

United States Court of Appeals
Fifth Circuit

FILED

January 25, 2012

Lyle W. Cayce
Clerk

No. 11-40447
Summary Calendar

BOBBY LUCKY,

Plaintiff-Appellant

v.

KELLI WARD; RICHARD A. TRINCI, JR.; CHUMA ANADUAKA; KATHRYN
ANN BELL; DOCTOR BRUCE SMITH; AND JANE DOE,

Defendants-Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:05-CV-166

Before BENAVIDES, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Bobby Lucky, formerly Texas prisoner # 1048046, filed a complaint under 42 U.S.C. § 1983 against Kelli Ward, Richard A. Trinci, Jr., Chuma Anaduaka, Kathryn Ann Bell, Dr. Bruce Smith, and Jane Doe. The district court granted the defendants' motion for summary judgment and denied Lucky's motion under Rule 59(e) of the Federal rules of Civil Procedure. This court affirmed the district court judgment.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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More than a year later, Lucky filed in the district court a new motion for reconsideration or a rehearing, arguing that the district court erred in granting summary judgment for the defendants because the defendants failed to submit sufficient affidavits, the trial court failed to issue a scheduling order which caused him to miss his opportunity to respond to the motion for summary judgment, and he was impeded in responding by the State of Texas. The district court denied the motion, noting that it had ruled on some of Lucky's arguments when it ruled on his Rule 59(e) motion and that this court had affirmed its judgment on the matter.

Lucky now appeals, arguing only reasons why the district court erred in granting summary judgment. He has identified no error in the district court's denial of his new motion for reconsideration. Although pro se briefs are liberally construed, even pro se litigants must brief arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Failure to identify any error in the district court's analysis is the same as if the appellant had not appealed the judgment. *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

The judgment of the district court is AFFIRMED.