

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

No. 18-60635
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 24, 2019
Lyle W. Cayce
Clerk

RICARDO BRYAN NEWSOME,

Plaintiff–Appellant,

versus

STATE OF MISSISSIPPI;
HARRISON COUNTY ADULT DETENTION CENTER;
HARRISON COUNTY CIRCUIT COURT;
GULFPORT POLICE DEPARTMENT; JOEL SMITH; et al.,

Defendants–Appellees.

Appeals from the United States District Court
for the Southern District of Mississippi
No. 1:18-CV-178

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Ricardo Newsome, Mississippi prisoner #123359, appeals the dismissal of his 42 U.S.C. §§ 1983 and 1985 complaint as frivolous and for failure to state

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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a claim upon which relief may be granted under 28 U.S.C. § 1915(e)(2)(B). The district court reasoned that Newsome's claims challenging his state conviction and sentence were barred by *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). The court further reasoned that Newsome's habeas corpus claim requesting his immediate release was unexhausted and therefore was subject to dismissal without prejudice. On appeal, Newsome re-urges his contentions that the state trial court's alleged errors resulted in a void conviction and illegal sentence.

Newsome does not address the district court's ruling that his suit was *Heck*-barred or that his habeas claim was unexhausted. Although this court liberally construes *pro se* filings, a *pro se* party "must still brief the issues and reasonably comply with the standards of [Federal Rule of Appellate Procedure 28]." *Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995). When an appellant fails to identify any error in the district court's analysis, it is the same as though he had not appealed that issue. *Brinkmann v. Dall. Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because Newsome's brief does not address the bases of the district court's ruling, he has abandoned any challenge to the dismissal. *See id.*

The appeal is without arguable merit and is DISMISSED as frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. The dismissal of this appeal as frivolous and the district court's dismissal of the complaint in part as frivolous and for failure to state a claim each count as a strike for purposes of § 1915(g). *See Coleman v. Tollefson*, 135 S. Ct. 1759, 1761–64 (2015). Newsome is hereby warned that once he accumulates three strikes, he may not proceed *in forma pauperis* in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See* § 1915(g).