

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-1457
Conference Calendar

GLEN C. JAMES,

Plaintiff-Counter Defendant-Appellant,

versus

JIM MINTER ET AL.,

Defendants-Counter Plaintiffs-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:92-CV-729-A
- - - - -
(December 15, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Glen C. James was arrested for driving while intoxicated and involuntary manslaughter and his truck was impounded. Tools were stolen from James's truck while it was impounded, and James filed a civil rights complaint against Don Carpenter, former sheriff of Tarrant County; Jim Minter, acting chief deputy sheriff of Tarrant County; Tarrant County; and a number of "John Doe" defendants. The district court granted the defendants' motion for summary judgment and dismissed the complaint.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

In his brief James argues that he is being denied access to the courts because he has insufficient indigent writing materials and inadequate access to the law library; that his truck was towed illegally; and that he should have received a hearing regarding the truck. He does not challenge the district court's grant of summary judgment. Because James has failed to raise or brief the issue it is considered abandoned. See Evans v. City of Marlin, Tex., 986 F.2d 104, 106 n.1 (5th Cir. 1993).

To the extent that James alleges that he is being denied access to the courts and that his truck was illegally seized these are new claims raised for the first time on appeal and this Court should not address them. United States v. Garcia-Pillado, 898 F.2d 36, 39 (5th Cir. 1990) (issues raised for the first time on appeal are reviewable only if they involve purely legal questions and failure to consider them would result in manifest injustice).

James also is not entitled to a remand to amend his complaint. Although the district court informed James that he would be permitted to amend his complaint if he obtained the names of the "John Doe" defendants, James never filed a motion for leave to amend in the district court. He also has not informed this Court of the basis of his amendment but merely alleges that he did not receive the discovery in sufficient time to amend his complaint. Even assuming James's allegations are true, the statute of limitations has not run on his claims and James may file a new action against the unnamed defendants.

AFFIRMED.