IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 94-20450
Conference Calendar

PETER J. ZOVATH,

Plaintiff-Appellant,

versus

KEN HARRISON, JUDGE, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-93-3539

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(January 24, 1995)

Before POLITZ, Chief Judge, and HIGGINBOTHAM and DeMOSS, Circuit Judges.

PER CURIAM:*

Zovath argues on this appeal that (1) the district court erred in denying his motion for extension of time to file his appeal in his first § 1983 suit, (2) the district court erred in dismissing the present suit on the basis of res judicata, (3) the district court erred in issuing sanctions, (4) the district court should have recused itself from hearing the present suit.

Zovath's fourth issue is presented for the first time on this appeal. "[I]ssues raised for the first time on appeal are

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* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

not reviewable by this [C]ourt unless they involve purely legal questions and failure to consider them would result in manifest injustice." Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). The issue is not purely legal and cannot be addressed by this Court.

Zovath presented his first and third issues regarding the denial of his motions for continuance and imposition of sanctions, but provided no supporting argument or case law. Fed. R. App. P. 28(a)(4) requires that the appellant's argument contain the reasons he deserves the requested relief with citation to the authorities, statutes, and parts of the record relied on." Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993) (internal quotations omitted). Zovath's first and third issues are inadequately argued and thus abandoned on appeal. See Yohey, 985 F.2d at 225.

Finally, Zovath argues that the application of the res judicata bar was erroneous because the previous suit was different from the present suit and was not fully litigated. The prior judgment was rendered by a court of competent jurisdiction, the parties are identical in both suits, and Zovath sued under the same cause of action as in the present suit. Zovath's previous suit was dismissed under Rule 12(b)(6) for failure to state a claim and under absolute and qualified immunity. The district court addressed the merits of Zovath's suit. See Langston v. Insurance Co. of North America, 827 F.2d 1044, 1047 (5th Cir. 1987)(dismissal under Rule 12(b)(6) is a judgment on the merits). The district court did not err in dismissing the

present suit based on the doctrine of res judicata. See Nagle v. Lee, 807 F.2d 435, 439 (5th Cir. 1987).

AFFIRMED.