

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 94-30292  
Summary Calendar

---

ROBERT O. KINCHEN, JR.,

Plaintiff-Appellant,

VERSUS

DEPARTMENT OF HEALTH & HUMAN SERVICES,  
Donna E. Shalala, Secretary of Health and Human Services,

Defendant-Appellee.

---

Appeal from the United States District Court  
for the Eastern District of Louisiana  
(CA-92-3975-F)

---

(January 11, 1995)

Before JONES, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Robert Kinchen appeals, *pro se*, from the summary judgment in favor of the Department of Health and Human Services, affirming that Kinchen is not disabled within the meaning of the Social Security Act. Because Kinchen failed to raise any issue of arguable legal merit in his brief, we **DISMISS**.

---

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

I.

In August 1991, Kinchen submitted applications for Social Security disability benefits and supplemental security income, which were denied initially and on reconsideration. Kinchen appeared, *pro se*, for a hearing before an Administrative Law Judge (ALJ), who determined that Kinchen was not disabled. Because the Appeals Council denied Kinchen's request for review, the ALJ's decision became the final decision of the Department.

In December 1992, Kinchen sought judicial review. Following cross motions for summary judgment, the magistrate judge recommended that the denial of benefits be sustained. Over Kinchen's objections, the district court adopted the magistrate judge's report, sustained the ALJ's decision, and dismissed the case.

II.

It is impossible to determine from Kinchen's, *pro se* brief why he believes the district court erred. The brief contains a number of disjointed statements and documents, but does not address the critical issue of whether the ALJ's finding was supported by substantial evidence.

The appellant's brief must contain the reasons he deserves the requested relief, as well as citations to the authorities, statutes, and parts of the record on which he relies. Fed R. App. P. 28(a); see **Weaver v. Puckett**, 896 F.2d 126, 128 (5th Cir.), *cert. denied*, 498 U.S. 966 (1990). Accordingly, although we liberally construe *pro se* briefs, we require arguments to be

briefed in order to be preserved. *E.g.*, **Yohey v. Collins**, 985 F.2d 222, 225 (5th Cir. 1993); **Price v. Digital Equip. Corp.**, 846 F.2d 1026, 1028 (5th Cir. 1988). Arguments not adequately argued in the body of the brief are deemed abandoned on appeal. *E.g.*, **United States v. Ballard**, 779 F.2d 287, 295 (5th Cir.), *cert. denied*, 475 U.S. 1109 (1986); see **Netto v. Amtrak**, 863 F.2d 1210, 1214 n.4 (5th Cir. 1989). This court "will not raise and discuss legal issues that [an appellant] has failed to assert." **Brinkmann v. Dallas County Deputy Sheriff Abner**, 813 F.2d 744, 748 (5th Cir. 1987).

Kinchen's brief fails to satisfy these requirements; accordingly, we dismiss his appeal because his brief lacks an issue of arguable legal merit. See **Howard v. King**, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.3.2.

### III.

For the foregoing reasons, the appeal is

**DISMISSED.**