

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40334
Conference Calendar

WHATUGANNA JOSEPH WILTZ,

Plaintiff-Appellant,

versus

DANNY L. CHURCHMAN, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:93-CV-203

- - - - -
(November 17, 1994)

Before JONES, DUHÉ, and PARKER, Circuit Judges.

PER CURIAM:*

Whatuganna Wiltz appeals the dismissal of his civil rights action against four corrections officers.

Wiltz is obliged to provide us with a copy of any transcripts necessary for review of his contentions. *Powell v. Estelle*, 959 F.2d 22, 26 (5th Cir. 1992). Without a transcript, we cannot review the district court's disposition of Wiltz's claims that Churchman applied excessive force or that Chancellor, Carlile, and Furr held Wiltz down while Churchman hit him. See *id.*; *Richardson v. Henry*, 902 F.2d 414, 416 (5th Cir. 1990),

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

cert. denied, 498 U.S. 901 (1991). We therefore will not consider Wiltz's contention that Churchman used excessive force with the assistance of the other officers.

Wiltz's allegation that Carlile pushed him onto the bed and held his hands behind his back does not raise an arguable Eighth Amendment violation independent of his claims against Churchman. Nor does Wiltz's allegation that Furr held Wiltz's feet. Wiltz's allegation that Chancellor squeezed his testicles while Wiltz lay on the bed conceivably could give rise to an Eighth Amendment claim independent of his claim that Churchman hit him.

"Failure to prosecute an issue on appeal constitutes waiver of the issue." *U.S. v. Green*, 964 F.2d 365, 371 (5th Cir. 1992), *cert. denied*, 113 S. Ct. 984 (1993). Even a pro se litigant must brief issues on appeal. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Wiltz does not explicitly raise his testicle-squeezing claim against Chancellor on appeal. By failing to raise that claim, Wiltz has abandoned it. See *Green*, 964 F.2d at 371.

DISMISSED.