IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-40758
Conference Calendar

SUAREZ ANDERSON,

Plaintiff-Appellant,

versus

T.D. CROW ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 89-CV-473

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(January 26, 1995)

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

PER CURIAM:[*]

Suarez Anderson argues that the magistrate judge lacked jurisdiction to enter an order dismissing his complaint. He contends that he did not voluntarily, knowingly, and expressly consent to proceed before the magistrate judge and that he was thus denied the right to proceed before an article III district court judge.

Consent to trial before a magistrate judge waives the right to trial before an article III judge. Carter v. Sea Land Servs.,

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Inc., 816 F.2d 1018, 1021 (5th Cir. 1987). The court must take positive steps to ensure that the parties understand their right to consent, and to protect the voluntariness of that consent. Id. at 1020. When the magistrate judge enters judgment pursuant to 28 U.S.C. § 636(c)(1), "absence of the appropriate consent and reference (or special designation) order results in a lack of jurisdiction (or at least fundamental error that may be complained of for the first time on appeal)." Mendes Junior Intern. Co. v. M/V SOKAI MARU, 978 F.2d 920, 924 (5th Cir. 1992).

In accordance with these procedures, both parties signed a form expressly consenting to proceed before the magistrate judge. The form, signed by Anderson, states that he waives his "right to proceed before a judge of the United States District Court and consent[s] to have a United States Magistrate conduct all further proceedings in the case, including the trial of the case, and order the entry of judgment." The district court then entered an order referring the case to Magistrate Judge McKee "for the conduct of further proceedings and entry of judgment in accordance with the consent of the parties." Further, prior to signing the consent form, Anderson confirmed in open court that he would like Magistrate Judge McKee to preside over his case.

Although at his subsequent bench trial, Anderson made a motion to withdraw his consent to proceed before the magistrate judge and have the case heard before a district court judge, there is no absolute right to withdraw a validly given consent to trial before a magistrate judge. Carter, 816 F.2d at 1021. Motions to withdraw consent to trial before a magistrate judge

may be granted only for good cause, determination of which is committed to the court's sound discretion. Id. The record does not indicate that Anderson presented any good reason for his motion. Neither does Anderson present "good cause" for the motion in his appellate brief. He has not shown that his consent was obtained involuntarily or through undue influence. See id. Thus, the magistrate judge did not abuse his discretion by denying Anderson's motion.

Anderson next argues that the magistrate judge erred by assigning his case to Track 2 for case management purposes. Anderson did not raise this argument in the district court, however. This Court need not address issues not considered by the district court. "[I]ssues raised for the first time on appeal are 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).

Finally, Anderson does not address the merits of his excessive-use-of-force claims in his appellate brief. Although this Court liberally construes the briefs of pro se appellants, arguments must be briefed to be preserved. Price v. Digital Equip. Corp., 846 F.2d 1026, 1028 (5th Cir. 1988). Generally, claims not argued in the body of the brief are abandoned on appeal, even if the appellant is proceeding pro se. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Thus, the Court need not address these issues.

AFFIRMED.