

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10577
Summary Calendar

RICHARD BRENTON TOBIAS,

Plaintiff-Appellant,

versus

E. YOUNG, Judge; TIM CURRY; TARRANT CITY JAIL,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:93CV00049
- - - - -

April 11, 1996

Before DAVIS, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:*

Richard Brenton Tobias appeals the district court's judgment dismissing his § 1983 claims arising out of his state criminal prosecution and his incarceration at the Tarrant County Jail by granting the defendants' motion to dismiss and motion for summary judgment. We do not consider Tobias' argument regarding the district court's denial of his motion for a restraining order because Tobias did not brief it adequately. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). The district court

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

properly dismissed Tobias' damages claims against Judge Young and District Attorney Curry with prejudice based on absolute immunity. See Boyd v. Biggers, 31 F.3d 279, 284 (5th Cir. 1994). Summary judgment on Tobias' medical claim was proper. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). We do not consider Tobias' argument that the district court erred in not addressing the claims contained in his first supplemental complaint due to Tobias' failure to call these issues to the attention of the district court and his failure to state what these issues are on appeal. Varnado, 920 F.2d at 321.

We hold that Tobias' appeal is frivolous, and accordingly, we DISMISS it pursuant to 5th Cir. R. 42.2. Tobias' motion to supplement the record is DENIED. Tobias was warned that he could be sanctioned for filing frivolous appeals in Tobias v. Brown, No. 95-40379 (5th Cir. Aug. 24, 1995). Tobias is hereby BARRED from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court which is subject to this court's jurisdiction, without the advance written permission of a judge of the forum court; the clerk of this court and the clerks of all federal district courts in this Circuit are directed to return to Tobias, unfiled, any attempted submission inconsistent with this bar.

MOTION DENIED; APPEAL DISMISSED; SANCTIONS IMPOSED.