

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-10874
Summary Calendar

MANLEY RICHARD MILLIGAN,

Plaintiff-Counter Defendant-Appellant,

versus

ERATH COUNTY, TX; DAVID BOUCHER, DR.,

Defendants-Appellees,

DAVID COFFEE; JACK TATE; JOYCE HOLLOWAY;
MARGO BRISENDINE; MIKE SHELBY; HOWARD BRITTON;
WAYNE BYERS; DONNA SCOTT; JUDY TATE; ALICE KOLB;
LEWIS QUASSA; JOE PHILLIPS; DAVID BASS;

Defendants-Counter Claimants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:94-CV-804-A
- - - - -

July 24, 1996

Before GARWOOD, JONES and STEWART, Circuit Judges.

PER CURIAM:*

Manley R. Milligan appeals the grant of summary judgment for the defendants in his civil rights action. He also appeals the denial of his motion for appointment of counsel. Milligan contends that the district court erred by granting summary

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

judgment for the defendants, erred by denying his motion for a continuance to respond to the defendants' summary-judgment motions, and that the district court erred by denying his motion for appointment of counsel.

Milligan has failed to brief whether the district court erred by granting summary judgment for the defendants, other than Dr. David Boucher, on the basis of qualified immunity and whether the district court erred by granting summary judgment on all of his state-law claims and his federal-law claims other than his conspiracy contention. Because he has failed to brief those issues, he has abandoned them. *Grant v. Cuellar*, 59 F.3d 523, 524-25 (5th Cir. 1995). Because Milligan has abandoned his contention that the district court erred by granting summary judgment for the defendants other than Boucher on the basis of qualified immunity, and the district court's judgment may be affirmed on those grounds, we do not consider whether the district court erred by finding Milligan's claims against those defendants prescribed.

Regarding Milligan's conspiracy claims against Dr. Boucher, we have reviewed the record and the briefs of the parties and we find no reversible error. Accordingly, we affirm the grant of summary judgment for essentially the reasons relied on by the district court. *See Milligan v. Erath County, Tex.*, No. 4:94-CV-804-A (N.D. Tex. Oct. 2, 1995).

Finally, we find no abuse of discretion in the district court's denials of Milligan's motions for a continuance to respond to the defendants' summary-judgment motions and for

appointment of counsel. See *Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir. 1986); *Fontenot v. Upjohn Co.*, 780 F.2d 1190, 1193 (5th Cir. 1986).

AFFIRMED.