

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-40234  
Conference Calendar

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JAMES HENRY JOHNSON,

Plaintiff-Appellant,

versus

WALTER STANDLEY, Deputy Sheriff,  
Houston County Sheriff Dep't,  
Crockett, Texas, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 9:94-CV-119  
- - - - -

June 28, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Although this court liberally construes pro se briefs, see Haines v. Kerner, 404 U.S. 519, 520 (1972), this court requires arguments to be briefed in order to be preserved. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). Claims not adequately argued in the body of the brief are deemed abandoned on appeal. Id. at 224-25.

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Johnson's brief ignores the district court's determination that his claims based on the "insufficiency" of his state-court indictment and for malicious prosecution were noncognizable under Heck, and his claims for false imprisonment and denial of access to the courts were barred by the appropriate statute of limitations. Johnson merely asserts "that he has enough proof to burst this case wide open," and complains of the court's "premature" dismissal of his action. Instead of coherent argument, his brief strings together a series of unsupported assertions. However, presentation of an issue on appeal requires that the issue be argued, not merely stated. Yohey, 985 F.2d at 224-25; Price v. Digital Equip. Corp., 846 F.2d 1026, 1028 (5th Cir. 1988). Thus, Johnson has indicated no basis upon which to determine that the instant dismissal for frivolousness was an abuse of discretion. See 28 U.S.C. § 1915(d); Booker v. Koonce, 2 F.3d 114, 115 (5th Cir. 1993). Johnson's brief is wholly without merit, rendering the appeal frivolous. See Coghlan v. Starkey, 852 F.2d 806, 811 (5th Cir. 1988). This appeal is dismissed as such. See 5th Cir. R. 42.2.

Johnson is warned that abusing the right to proceed in forma pauperis on appeal in the future will result in sanctions.

APPEAL DISMISSED.