

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-40875
Conference Calendar

JOEL HARDY TUNSTLE,

Petitioner-Appellant,

versus

TEXAS DEPARTMENT OF CRIMINAL JUSTICE,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:94-CV-260
- - - - -

June 26, 1996

Before HIGGINBOTHAM, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Joel Hardy Tunstle, Texas prisoner #403543, appeals the district court's denial of his petition for 28 U.S.C. § 2254 relief. Tunstle does not address the district court's dismissal of his case or the reasons upon which the district court relied for the dismissal. Although pro se briefs are accorded liberal construction, "arguments must be briefed to be preserved." Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993) (internal quotation

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

and citation omitted). Tunstle's failure to address the merits of the district court's opinion constitutes an abandonment of those issues on appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987) (failure to identify any error in the district court's analysis or application to the facts of the case is the same as if the appellant had not appealed that judgment). Tunstle's appeal is dismissed as frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); see 5th Cir. R. 42.2.

We caution Tunstle that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Tunstle is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

APPEAL DISMISSED; SANCTION WARNING ISSUED.