

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10624
Summary Calendar

MICHAEL SMITH,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION; ROBERT WHITE;
ROBERT CHANCE; JAMES E. BOWMAN;
MICHAEL SAVERS; ELIZA WIMBERLY;
MARC MARSHALL,

Defendants-Appellees.

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Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:96-CV-139
- - - - -
September 20, 1996

Before HIGGINBOTHAM, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:*

Michael Smith, prisoner #677990, appeals the district court's dismissal of his 42 U.S.C. §§ 1983 and 1985 claims pursuant to 28 U.S.C. § 1915(d), now redesignated as § 1915(e)(2)(B)(i). Smith contends that the defendants conspired

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

to deprive him of his civil rights. Smith also contends that the defendants deprived him of due process in connection with his disciplinary hearing and by changing his classification. Smith asserts that two of the defendants were indifferent to his medical condition because they ordered him to work in muddy water without protective foot gear.

We have reviewed the record and Smith's brief and AFFIRM the district court's dismissal for the reasons adopted by the district court. Smith v. Johnson, No. 2:96-CV-0139 (N.D. Tex. May 16, 1996). Because Smith failed to brief his claims against Wimberly, he has abandoned them. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993) (issues must be briefed to be preserved).

AFFIRMED.