

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11228
Summary Calendar

JAMES ALFRED GARY,

Plaintiff-Appellant,

versus

D.L. "SONNY" KEESEE, Sheriff of
Lubbock County, Texas; DON JOHNSON,
Jail Administrator for Sheriff's Office,
Lubbock County, Texas,

Defendants-Appellees.

Appeal from the United States District Court for the
Northern District of Texas
(5:96-CV-185)

June 4, 1997

Before HIGGINBOTHAM, WIENER, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Texas prisoner James Alfred Gary, No. 41121, appeals the district court's imposition of a sanction and dismissal of his civil rights complaint on the grounds that the complaint contained

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

a perjurious statement, and Gary had failed to comply with a prior sanction by the district court. Because Gary has failed to present any appellate argument challenging the district court's stated reasons for dismissing his complaint and imposing a sanction, he has abandoned those issues. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993).

On appeal, Gary argues that the State's computation of his sentence is improper. Gary did not raise this argument in the district court, and he has failed to present any facts that suggest that his sentence is plainly erroneous. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428 (5th Cir. 1996) (en banc).

The appeal is without arguable merit and thus frivolous. *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2. Gary's motions to supplement the record, to file a supplemental brief, and for appointment of counsel are DENIED AS MOOT.

APPEAL DISMISSED; MOTIONS DENIED AS MOOT.