

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10699
Conference Calendar

ASADI SHAMSIDEEN,

Plaintiff-Appellant,

versus

THE STATE OF TEXAS ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:97-CV-1092-X
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Asadi Shamsideen appeals the district court's dismissal for failure to state a claim of his pro se, in forma pauperis civil rights lawsuit, pursuant to 42 U.S.C. § 1983. Even giving his appellate brief the liberal construction afforded pro se pleadings,** Shamsideen does not address the issues of absolute or Eleventh-Amendment immunity in his appellate brief. See id., passim. He has therefore waived any argument challenging the

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

** Haines v. Kerner, 404 U.S. 519, 521 (1972).

district court's conclusion that the appellees are immune from suit. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993); Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987)(issues not asserted on appeal are abandoned). Because Shamsideen fails to challenge the district court's dismissal of his illegal-detention claim, that claim is likewise abandoned. Id. Further, because his lawsuit was dismissed for failure to state a claim prior to service on the appellants, Shamsideen's argument that he is entitled to a default judgment is meritless. See 28 U.S.C. § 1915A.

Shamsideen's appeal is without arguable merit and is thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because it is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

We caution Shamsideen that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Shamsideen is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

Shamsideen's motions for default judgment, damages, and the appointment of counsel are DENIED.

APPEAL DISMISSED; SANCTIONS WARNING ISSUED; MOTIONS DENIED.