

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-21039
Conference Calendar

GINO A. BARONE,

Plaintiff-Appellant,

versus

CITY OF HOUSTON;
STEVEN R. ANDREWS;
J.C. WHITEFIELD,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-96-CV-2447
- - - - -

December 9, 1998

Before DAVIS, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Gino Barone appeals the summary judgment in favor of all defendants. The City of Houston (the City) and Steven Andrews have filed a motion to strike Appellant's First Amended Brief and to dismiss the appeal for failure to comply with FED. R. APP. P. 28(a)(6). Barone and his attorney were ordered on August 7, 1998, by this court to correct the original appellate brief in order to comply with the Federal Rules of Appellate Procedure and the Fifth Circuit Rules. Although some corrections were made,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Barone has again failed to include any standard of review for each of his arguments. He has included only general arguments giving broad standards of review, which would not be sufficient to preserve the issues of a pro se litigant on appeal. See Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987). Because Barone is represented by counsel and has already had the opportunity to amend the appellate brief and bring it in compliance with the Rules, this second failure to comply will not be excused. The Motion to Strike Appellant's First Amended Brief is GRANTED, and the Motion to Dismiss Appeal is also GRANTED. See Fifth Circuit Rule 42.3.2.

APPEAL DISMISSED.