

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-40666
Summary Calendar

SHAUN HEIDEN,

Plaintiff-Appellant,

versus

HERBERT SCOTT; ET AL,

Defendants,

HERBERT SCOTT, Warden;
ERIC NOONAN, Director, Classification;
RAYMOND THOMPSON; JERRY WHITTEN;
JEFFREY JEFFCOAT,

Defendants-Appellees.

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Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:96-CV-626
- - - - -

July 27, 1999

Before HIGGINBOTHAM, JONES, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Shaun Heiden, Texas prisoner # 657252, appeals the summary-judgment dismissal of his 28 U.S.C. § 1983 civil rights lawsuit alleging that various prison officials (collectively referred to as "the defendants") were deliberately indifferent to his safety by failing to protect him from sexual abuse by other inmates.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Heiden raises the following arguments: 1) the magistrate judge improperly resolved factual disputes in granting summary judgment; 2) the defendants should have known that he dropped his first complaint of sexual assault out of duress; 3) Jerry Whitten, who chaired one of the classification hearings held to consider transferring him to safekeeping, and Wardens Herbert Scott and Raymond Thompson were aware he needed protection and failed to act; 4) his current status on safekeeping "provides vindication" of his claims; and 5) the defendants' investigations regarding his allegations of sexual assault were insufficient.

Heiden failed to brief any argument in connection with his claims against Jeffrey Jeffcoat or in connection with the magistrate judge's partial dismissal of his lawsuit, pursuant to 28 U.S.C. § 1915(e), and those claims are therefore abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993); Fed. R. App. P. 28(a). Heiden has also abandoned his claims against Eric Noonan by raising them for the first time in his reply brief. See United States v. Jackson, 50 F.3d 1335, 1340 n.7 (5th Cir. 1995).

We have reviewed the record and the briefs submitted by the parties and conclude that the magistrate judge did not commit any reversible error. See Farmer v. Brennan, 511 U.S. 825, 847 (1994); see also Neals v. Norwood, 59 F.3d 530, 533 (5th Cir. 1995). Accordingly, his judgment is AFFIRMED. Heiden's motions for the appointment of counsel and to certify expert witness are DENIED.

AFFIRMED; MOTIONS DENIED.