

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-41457  
Summary Calendar

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JUAREZ MIGUEL BIBBS,

Plaintiff-Appellant,

versus

L. WOODS; V. PITTMAN; JAMES  
A. COLLINS; M. HALL, Assistant  
Warden; WAYNE SCOTT, DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL  
JUSTICE, INSTITUTIONAL DIVISION,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-95-CV-92  
- - - - -  
October 27, 1998

Before EMILIO M. GARZA, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:\*

Juarez Miguel Bibbs, Texas prisoner # 649087, appeals from the dismissal of his 42 U.S.C. § 1983 complaint. Bibbs' notice of appeal from the magistrate judge's final judgment dismissing his complaint is untimely. Air Line Pilots Ass'n v. Precision Valley Aviation, Inc., 26 F.3d 220, 223-24 (1st Cir. 1994) (motion struck for failure to comply with the local rules does not toll the time period for filing a notice of appeal).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Bibbs' notice of appeal is timely with respect to the magistrate judge's denial of his second motion for new trial or reconsideration. Bibbs, however, offers no argument with respect to the magistrate judge's ruling denying the motion. Although the court liberally construes the briefs of pro se appellants, arguments must be briefed to be preserved. Price v. Digital Equip. Corp., 846 F.2d 1026, 1028 (5th Cir. 1988). Because Bibbs has failed to brief the only issue properly before the court, his appeal is DISMISSED.