

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20607
Summary Calendar

ZARAIL JOINER,

Plaintiff-Appellant,

versus

BENNETT, Officer

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H:97-CV-3073
- - - - -

February 12, 1999

Before JOLLY, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Zarail Joiner appeals the district court's dismissal of his 42 U.S.C. § 1983 action pursuant to 28 U.S.C. § 1915(e)(2)(B). Joiner argues that the district court erred denying his discovery request and not allowing him to file objections to the magistrate judge's recommendation and report. These arguments are not supported by the record. Joiner also argues that since he signed a consent form to proceed before a magistrate judge pursuant to 28 U.S.C. § 636(c), a magistrate judge, rather than the district

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

court should have rendered the decision in his case. Although Joiner did file a consent form prior to his case being transferred to the U.S District Court for the Southern District of Texas, he did not sign a consent form after his case was transferred; therefore, Joiner did not have a right to proceed before a magistrate judge.

Joiner does not address the district court's reason for dismissing his claim. Therefore, he has abandoned this issue on appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.