

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-31269
(Summary Calendar)

NOLAN HUDSON, Jr.,

Plaintiff-Appellant,

versus

CHARLES C. FOTI, Sheriff,
Orleans Parish Prison,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
(99-CV-2445-G)

September 1, 2000

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Nolan Hudson, Jr., Louisiana state prisoner # 901750, argues that the district court erred in granting the defendant's motion for summary judgment and dismissing his 42 U.S.C. § 1983 complaint.

The district court dismissed the complaint based on Hudson's failure to oppose the defendant's assertion that Hudson had failed to exhaust his prison administrative remedies pursuant to 42 U.S.C. § 1997e. Hudson has not challenged the district court's dismissal

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

of his complaint based on his failure to exhaust his administrative remedies. Thus, he has abandoned that dispositive issue on appeal. See Brinkmann v. Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Further, in connection with his accident, Hudson has not alleged any personal wrongdoing on the part of Sheriff Foti. Therefore, his complaint is also subject to dismissal based on a failure to state an arguable claim against the only named defendant. See Thompson v. Steele, 709 F.2d 381, 382 (5th Cir. 1983); Bickford v. International Speedway Corp., 654 F.2d 1028, 131 (5th Cir. 1981). The district court's dismissal of the complaint is AFFIRMED.

Hudson has failed to show exceptional circumstances that warrant the appointment of counsel. Hudson's motion for the appointment of counsel is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

AFFIRMED.