

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10356
Summary Calendar

TERRY BLANKENSHIP,

Plaintiff-Appellant,

versus

GARY L. JOHNSON; JANIE COCKRELL;
JOSEPH KEITH PRICE,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:01-CV-324

August 9, 2002

Before DAVIS, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Terry Blankenship, Texas prisoner # 318299, appeals from the dismissal of his 42 U.S.C. § 1983 complaint. Blankenship's notice of appeal from the district court's judgment dismissing his complaint is untimely. See 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).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Blankenship's notice of appeal is timely with respect to the district court's denial of his third motion for new trial or reconsideration. Blankenship, however, offers no argument with respect to the district court's denial of the motion. Although the court liberally construes the briefs of pro se appellants, arguments must be briefed to be preserved. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993); see also American States Ins. Co. v. Bailey, 133 F.3d 363, 372 (5th Cir. 1998). Because Blankenship has failed to brief the only issue properly before the court, his appeal is DISMISSED. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.