

June 24, 2003

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-41299
Conference Calendar

JERRY LYNN WILKINS,

Petitioner-Appellant,

versus

SUZANNE R. HASTINGS, Warden

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:02-CV-15

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Jerry Lynn Wilkins, a federal prisoner (# 27842-077), filed a petition under 28 U.S.C. § 2241 seeking to challenge his 1997 convictions for uttering counterfeited securities, possession of false papers to defraud the United States, mail fraud, and aiding and abetting. The district court dismissed Wilkins's petition without prejudice due to his failure to comply with a court order that he replead his petition with more specificity.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Wilkins filed this appeal challenging the district court's dismissal of his petition.

On appeal, Wilkins argues only the propriety of the court order requiring him to replead his petition. His failure to brief the noncompliance-with-a-court-order issue, the basis of the dismissal of his habeas petition, is the same as if he had not appealed the judgment. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Accordingly, the appeal is without arguable merit, and we dismiss the appeal as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

APPEAL DISMISSED AS FRIVOLOUS.