

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 19-30521
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 26, 2020

Lyle W. Cayce
Clerk

JUSTO E. ROQUE, JR.,

Plaintiff-Appellant

v.

DOUGLAS CROSS, D.D.S.,

Defendant-Appellee

Appeals from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:19-CV-9385

Before DAVIS, SMITH, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Justo E. Roque, Jr., appeals the district court's dismissal for lack of subject matter jurisdiction of his complaint raising claims of negligence and medical malpractice. "The district court must dismiss [an] action if it finds that it lacks subject matter jurisdiction." *Randall D. Wolcott, M.D., P.A. v. Sebelius*, 635 F.3d 757, 762 (5th Cir. 2011) (citing FED. R. CIV. P. 12(h)(3)). A

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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district court's dismissal for lack of subject matter jurisdiction is reviewed de novo. *Id.*

Although this court liberally construes pro se briefs, "even pro se litigants must brief arguments in order to preserve them." *Mapes v. Bishop*, 541 F.3d 582, 584 (5th Cir. 2008) (citing *Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993)); FED. R. APP. P. 28(a)(8). According to Roque's complaint, he and Cross are both residents of Louisiana, and his brief on appeal fails to provide a coherent argument challenging the district court's determination that it lacked diversity and federal-question jurisdiction over this action. When an appellant fails to identify an error in the district court's analysis, it is the same as if the appellant had not appealed that issue. *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Roque has abandoned any challenge to the district court's dismissal of his complaint for lack of subject matter jurisdiction. *See id.* Because Roque's appeal presents no legal points arguable on their merits, the appeal is DISMISSED AS FRIVOLOUS. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

Roque has filed several appeals that have been dismissed by this court for failure to brief any argument challenging the basis for the dismissal. *See Roque v. Bardellco, L.L.C.*, 670 F. App'x 350, 351 (5th Cir. 2016); *Roque v. Dep't of Children & Family Servs.*, 648 F. App'x 446, 447 (5th Cir. 2016); *Roque v. Brother Int'l Corp.*, 589 F. App'x 251, 252 (5th Cir. 2014). Roque is WARNED that future frivolous filings may invite the imposition of sanctions, which could include monetary sanctions or restrictions on his ability to file pleadings in this court or any court subject to this court's jurisdiction.

APPEALS DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED.