

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

September 4, 2020

Lyle W. Cayce  
Clerk

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No. 19-40549  
Summary Calendar

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HENRY LEE GIVENS,

*Plaintiff—Appellant,*

*versus*

LONGVIEW POLICE DEPARTMENT,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:18-CV-656

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Before CLEMENT, HIGGINSON, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:\*

Henry Lee Givens, Texas prisoner # 56032, filed this 42 U.S.C. § 1983 suit against the Longview Police Department to seek redress for alleged acts of slander and defamation of character that occurred when a newspaper article recounted his prior acquittal on a murder charge. After the magistrate

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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judge gave Givens multiple opportunities to amend his complaint, the district court dismissed his suit without prejudice because it concluded that Givens had not named a defendant amenable to suit. Givens's brief to this court ignores this threshold issue and argues only the merits of his claims. His failure to identify error in the district court's analysis has the same effect as if he had not brought an appeal at all. *Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because he has shown no error in the judgment, it is AFFIRMED.

The district court's dismissal of Givens's complaint counts as a strike under 28 U.S.C. § 1915(g). *See Lomax v. Ortiz-Marquez*, 140 S. Ct. 1721, 1727 (2020). He is WARNED that, if he accumulates three strikes, he may not proceed in forma pauperis in any civil action or appeal while he is incarcerated or detained in any facility unless he is in imminent danger of serious physical injury. *See* § 1915(g).