

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 24, 2021

Lyle W. Cayce
Clerk

No. 20-40262
Summary Calendar

HENRY LEE GIVENS,

Plaintiff—Appellant,

versus

JUDGE ALFONSO CHARLES,

Defendant—Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:20-CV-14

Before WIENER, DENNIS, and HAYNES, *Circuit Judges.*

PER CURIAM:*

Henry Lee Givens, currently inmate # 56032 of the Gregg County (Texas) Jail, appeals the district court's dismissal of his 42 U.S.C. § 1983 suit. He fails to brief, and thus abandons, the threshold issues whether the district court erred by concluding that *Younger v. Harris*, 401 U.S. 37, 43-47 (1971)

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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abstention was applicable and that the only named defendant was not involved with the acts underlying the suit. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). For the first time on appeal, Givens requests damages. Because he did not request that relief from the district court, he has waived it. *See In re Deepwater Horizon*, 857 F.3d 246, 251 (5th Cir. 2017) (“[A]rguments not raised before the district court are waived and cannot be raised for the first time on appeal.” (quoting *LeMaire v. La Dep’t of Transp. & Dev.*, 480 F.3d 383, 387 (5th Cir. 2007))).

Consequently, the judgment is AFFIRMED.