

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

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No. 16-11409  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit  
**FILED**  
December 21, 2017  
Lyle W. Cayce  
Clerk

JONATHAN MARSHALL, SR.,

Petitioner-Appellant

v.

MYRON L. BATTS, Warden; KEN PAXTON, Attorney General, State of Texas,

Respondents-Appellees

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 1:16-CV-107

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Before REAVLEY, PRADO, and GRAVES, Circuit Judges.

PER CURIAM:\*

Jonathan Marshall, Sr., federal prisoner # 17040-077, appeals the district court's dismissal without prejudice of his 28 U.S.C. § 2241 petition for failing to comply with the court's order to file an amended petition using the form provided by the court.

We review a district court's dismissal of an action for failure to prosecute or for failure to comply with any court order for abuse of discretion.

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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*McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). Marshall does not challenge the district court's conclusion that he failed to comply with the court's order to file an amended petition. By failing to brief any argument challenging the district court's reason for dismissal, Marshall has abandoned the issue. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Thus, he has not shown that the district court abused its discretion in dismissing his petition without prejudice. *See McCullough*, 835 F.2d at 1127.

The judgment of the district court is AFFIRMED.