

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 20, 2008

No. 07-10282
Conference Calendar

Charles R. Fulbruge III
Clerk

GERALD DEMARSH

Plaintiff-Appellant

v.

CHARLES KUNKLE; PATRICK STARR; KATHLEEN MIRACLE; JASON
CHRISTMAN

Defendants-Appellees

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:06-CV-2006

Before KING, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Gerald DeMarsh appeals the dismissal of his 42 U.S.C. § 1983 claims as frivolous and/or barred by Heck v. Humphrey, 512 U.S. 477 (1994). DeMarsh filed a motion to expedite this appeal. He argues that the magistrate judge and the district court acted improperly and that he has a right to self-representation.

Although we liberally construe pro se briefs, see Haines v. Kerner, 404 U.S. 519, 520 (1972), even pro se litigants must brief arguments in order to preserve

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

them. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). By failing to discuss the district court's rationale for dismissing his complaint, DeMarsh has abandoned the issue, and it 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). This appeal is without merit and is dismissed as frivolous. See *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The motion to expedite the appeal is denied.

APPEAL DISMISSED; MOTION DENIED.