

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

United States Court of Appeals
Fifth Circuit

FILED

December 3, 2009

No. 09-30481
Summary Calendar

Charles R. Fulbruge III
Clerk

CHERYL ANN DUPRE

Plaintiff - Appellant

v.

HEALTHCARE INTEGRITY AND PROTECTION DATA BANK; NATIONAL PRACTITIONER DATA BANK; JOHN M. HEYOB, Director, Division of Quality Assurance, Department of Health and Human Services of the United States Secretary of Health and Human Services,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:08-CV-00205

Before KING, STEWART, and HAYNES, Circuit Judges.

PER CURIAM:*

Cheryl Ann Dupre appeals the district court's dismissal of her claims against two health care-related data banks and the Director of Health and Human Services' Department's Quality Assurance Division (collectively, "the Federal Defendants"). Her claims against the Federal Defendants, while never

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

clearly articulated here or in the court below, appear to stem from proceedings in which Dupre's nursing privileges were revoked. Reports to the health care data banks she sued were involved at least in some way.

Citing the lack of any pleaded facts that would support a cause of action against them, the Federal Defendants filed a motion to dismiss in the district court. They also challenged the court's subject matter jurisdiction. Under a local rule in that district, where a respondent fails to file a timely response to a motion, the court can consider the motion unopposed. Pursuant to that local rule, the district court granted the motion to dismiss. It also found the motion well-taken on the merits.

On appeal, Dupre fails to brief the dismissal under the local rules. She fails in any meaningful way to address the merits of the motion to dismiss or the district court's order granting same. Her entire "Argument" section consists of seven lines, with no citation to authority and only a request for reinstatement of her nursing license. In other sections of her brief, she cites to a handful of cases and statutes without explaining how those cases and statutes support her claims here or demonstrate any error by the district court.

We recognize that Dupre is appearing pro se. While we construe pro se filings liberally, "we also require that arguments must be briefed to be preserved." *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993)(citation omitted). Dupre has wholly failed to make any intelligible argument in support of her appeal. We conclude that she has failed to meet her appellate burden. *Id.*

AFFIRMED.