

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

United States Court of Appeals
Fifth Circuit

F I L E D
May 20, 2010

No. 09-30884
Summary Calendar

Lyle W. Cayce
Clerk

STEVEN M HUNTER,

Petitioner-Appellant

v.

UNITED STATES PAROLE COMMISSION,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:06-CV-1745

Before GARZA, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:*

Following entry of final judgment denying his request for 28 U.S.C. § 2241 relief, Steven M. Hunter, federal prisoner # 03704-017, appeals the dismissal of his September 8, 2009, motion for summary judgment, contending that the district court erred in dismissing the motion prior to its service on the United States Parole Commission and without addressing the merits. He has also moved for appointment of counsel and to remand his case so that the district court may rule on the merits of his summary judgment motion. Hunter,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

however, has failed to adequately brief the summary judgment dismissal and, therefore, has waived its review. *See Brinkmann v. Dallas County. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Moreover, the denial of Hunter's September 8, 2009, summary judgment motion is not the subject of this appeal. The instant appeal number, 09-30884, was assigned to Hunter's appeal from the district court's denial of Hunter's request for unconditional habeas corpus release. He has, however, failed to brief the denial of this motion and has thus waived its review. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). In light of the preceding, the judgment of the district court is affirmed, and Hunter's motions for appointment of counsel and remand are denied.

After Hunter filed his appellate brief, he submitted for filing a pleading entitled "Appellant Response to the Court Order Dated February 2, 2009," addressing the merits of the district court's ruling on remand that he was not entitled to § 2241 relief. The propriety of the district court's judgment denying Hunter relief on the merits is the subject of appeal number 09-31186, which is currently pending before this court.

AFFIRMED; MOTIONS FOR APPOINTMENT OF COUNSEL AND REMAND DENIED.