

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

No. 13-30965
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

May 23, 2014

Lyle W. Cayce
Clerk

TERRENCE KNIGHT BENOIT,

Plaintiff-Appellant

v.

POLICE DEPARTMENT OF IBERIA PARISH; JUDGE G. B. WATTIGNY;
16TH JUDICIAL DISTRICT COURT,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:13-CV-1376

Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:*

Terrence Knight Benoit, Louisiana prisoner # 489486, appeals the district court's dismissal for failure to state a claim of his pro se, 42 U.S.C. § 1983, civil rights complaint. *See* 28 U.S.C. § 1915A(b)(1). Benoit moves for appointment of appellate counsel. However, he is not proceeding in forma

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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pauperis, and he has made no attempt to show that he is indigent. *See* 28 U.S.C. § 1915(e)(1). Accordingly, his motion is denied.

In his complaint, Benoit alleged that he had been illegally arrested and was illegally confined and that after his arrest there was an illegal search and seizure. The district court agreed with the magistrate judge's determination that the complaint failed to state a claim because the relief Benoit sought - immediate release - could not be obtained via § 1983.

Although Benoit reasserts in his appellate brief the claims he raised below, he does not address the district court's reason for dismissing the complaint. Thus, he has abandoned any challenge to the district court's dismissal. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Benoit raises for the first time on appeal numerous issues that he did not raise in the district court. We decline to address these issues. *See Stewart Glass & Mirror, Inc. v. U.S. Auto Glass Discount Centers, Inc.*, 200 F.3d 307, 316-17 (5th Cir. 2000).

AFFIRMED; MOTION FOR APPOINTMENT OF COUNSEL DENIED.