

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

No. 15-11082
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

December 16, 2016

Lyle W. Cayce
Clerk

ROBERT ALEXANDER DUBOSE,

Plaintiff–Appellant,

versus

GILBERT GOMEZ, Correctional Officer II,

Smith Unit Texas Department of Criminal Justice, Individual Capacity;

ROBERTO TARIN, Lieutenant,

Smith Unit Texas Department of Criminal Justice, Individual Capacity;

OLIVER VASQUEZ, Sergeant,

Smith Unit Texas Department of Criminal Justice, Individual Capacity;

NFN ALONZO, Sergeant,

Smith Unit Texas Department of Criminal Justice, Individual Capacity;

NFN BERTERSON, Correctional Officer,

Smith Unit Texas Department of Criminal Justice, Individual Capacity;

BETTERTON STEVEN,

Defendants–Appellees.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:12-CV-193

No. 15-11082

Before JOLLY, SMITH, and GRAVES, Circuit Judges.

PER CURIAM:*

Robert DuBose, Texas prisoner # 01880528, sued five correctional officers alleging 42 U.S.C. § 1983 claims arising from a use of force. The district court granted summary judgment for the defendants on the basis of qualified immunity and the absence of any genuine issue of material fact that any defendant had violated DuBose’s Eighth Amendment rights. DuBose appeals.

We review a summary judgment de novo. *See, e.g., Mason v. Lafayette City-Parish Consol. Gov’t*, 806 F.3d 268, 274 (5th Cir. 2015). To preserve an issue for review, the appellant must adequately brief it and “engage the issue on the basis of binding precedent.” *See United States v. Scroggins*, 599 F.3d 433, 446–47 & n.8 (5th Cir. 2010); *see also* FED. R. APP. P. 28(a)(8). DuBose’s perfunctory counseled brief is not entitled to liberal construction, *see Beasley v. McCotter*, 798 F.2d 116, 118 (5th Cir. 1986), and it fails to meet this court’s standards for appellate briefing and fails properly to raise any issue for appeal. *See Scroggins*, 599 F.3d at 446–47.

AFFIRMED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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