

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

No. 16-30488
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 19, 2017

Lyle W. Cayce
Clerk

JAMES BERNARD TRUMAN,

Plaintiff-Appellant

v.

JAMES LEBLANC; NATHAN CAIN; ROBBIE BERUBE; LIEUTENANT
COLONEL VILLAMARETTE; TIMOTHY F. AVERILL; WAYNE MILLUS;
DOUG WELBORN; NICOLE ROBINSON; DEBRA A. RUTLEDGE; JANICE
G. CLARK,

Defendants-Appellees

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 1:15-CV-2055

Before REAVLEY, OWEN, and ELROD, Circuit Judges.

PER CURIAM:*

James Bernard Truman, Louisiana prisoner # 291926, appeals the dismissal with prejudice of his 42 U.S.C. § 1983 claims relating to the Avoyelles Parish Correctional Center for failure to state a claim pursuant to 28 U.S.C. § 1915A and the dismissal without prejudice of his claims relating to the

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Louisiana State Penitentiary at Angola and the 19th Judicial District Court based on improper venue. Truman's claims regarding retaliation, denial of due process during his prison disciplinary proceeding, denial of his right of access to the courts, and the district court's venue determination were either not briefed at all or not adequately briefed. Thus, they are deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Truman has failed to show that his appeal involves "legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citations omitted). His appeal is therefore dismissed as frivolous. *See* 5TH CIR. R. 42.2. The dismissal of this appeal counts as a strike under 28 U.S.C. § 1915(g). *Adepegba v. Hammons*, 103 F.3d 383, 387-88 (5th Cir. 1996).

APPEAL DISMISSED.