

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

United States Court of Appeals
Fifth Circuit

FILED

April 4, 2019

Lyle W. Cayce
Clerk

No. 18-20537

Summary Calendar

EMMANUEL ADWALE ADEYINKA,

Plaintiff-Appellant

v.

HARRIS COUNTY JAIL,

Defendant-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CV-1700

Before DAVIS, GRAVES, and HO, Circuit Judges.

PER CURIAM:*

Emmanuel Adwale Adeyinka, proceeding pro se and in forma pauperis, appeals the dismissal without prejudice of his 42 U.S.C. § 1983 complaint pursuant to Federal Rule of Civil Procedure 41(b). We review that dismissal for abuse of discretion. *See Larson v. Scott*, 157 F.3d 1030, 1032 (5th Cir. 1998).

On appeal, Adeyinka fails to address the district court's application of Rule 41(b). Even pro se litigants must brief arguments in order to preserve

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 18-20537

them. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). By failing to identify any error in the district court's analysis, it is the same as if Adeyinka had not appealed the dismissal of his complaint. *See Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because he has therefore abandoned any argument that the dismissal of his complaint was an abuse of discretion, we affirm the judgment of the district court. *See Larson*, 157 F.3d at 1032; *Yohey*, 985 F.2d at 224-25; *Brinkmann*, 813 F.2d at 748. Furthermore, Adeyinka's motion for appointment of counsel on appeal is denied because he has not shown that this case presents exceptional circumstances. *See Naranjo v. Thompson*, 809 F.3d 793, 799 (5th Cir. 2015).

AFFIRMED; MOTION DENIED.