

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30443
Conference Calendar

CRAIG A. SINGLETON,

Plaintiff-Appellant,

versus

NEW ORLEANS POLICE DEPARTMENT;
HARRY CONNICK; WILLARD HILL, JR.;
TYRONE VAIL; JOSEPH WILLIAMS; DONALD POKE,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 01-CV-231-L

December 11, 2001

Before HIGGINBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Craig Singleton appeals the district court's dismissal of his 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief could be granted. Singleton's attempt to incorporate by reference his district court habeas corpus petition is insufficient to preserve error. See Perillo v. Johnson, 79 F.3d 441, 443 n.1 (5th Cir. 1996). Singleton has not filed an appellate brief containing legal argument explaining why the district court's decision was error. He has therefore waived

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

that issue on appeal. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993).

This appeal is without arguable merit and is thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. 5th Cir. R. 42.2.

APPEAL DISMISSED.