

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40698
Conference Calendar

RONALD B. FLEMING,

Petitioner-Appellant,

versus

ERNEST CHANDLER, Warden

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:01-CV-279

December 12, 2001

Before HIGGINGBOTHAM, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Ronald Fleming, federal prisoner #14586-076, appeals the district court's denial of his 28 U.S.C. § 2241 petition. Fleming's failure to identify any error in the district court's legal analysis or its application to the facts of this case "is the same as if he had not appealed that judgment." Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). This court "will not raise and discuss legal issues that

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

[Fleming] has failed to assert." Id. The failure to address the basis upon which the district court made its determination renders Fleming's appeal without merit and thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is dismissed. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.