

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40951
Summary Calendar

ROSSER B. MELTON, Jr.,

Plaintiff-Appellant,

versus

WAYNE PAUL FRANK; STEPHANIE C. BERRY; RONALD RAIS; D.J. BRANHAM;
ROBBIE BAUGHMAN,

Defendant-Appellee.

Appeal from the United States District Court
for the
Eastern District of Texas
(4:96-CV-170)

May 6, 1997

Before JOHNSON, WIENER, and DENNIS, Circuit Judges.

PER CURIAM:*

Rosser B. Melton, Jr., appeals the dismissal of his 42 U.S.C. § 1983 claim. He argues that Wayne Paul Frank, Stephanie C. Berry, Ronald Rais, D.J. Branham, and Robbie Baughman waived their objection to insufficient service and that the defendants were not entitled to immunity.

Irrespective of whether the defendants waived their right to

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

object to insufficient service, the district court had proper grounds for dismissing Melton's cause of action. Frank and Berry, as municipal prosecutors, are entitled to absolute prosecutorial immunity from § 1983 damage claims. See Boyd v. Biggers, 31 F.3d 279, 285 (5th Cir. 1994). Melton's claim for injunctive relief, was properly dismissed because Melton failed to allege that irreparable harm would result without the injunction. See Younger v. Harris, 401 U.S. 37, 45 (1971). And lastly, Melton does not appear to contest the dismissal of defendants Rais, Branham, or Baughman. Thus, his claims against these defendants are considered abandoned for failure to brief them. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

AFFIRMED.