

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-40772  
Conference Calendar

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ERNEST GUERRA,

Plaintiff-Appellant,

versus

JAMES D. MAYFIELD, Correctional  
Officer, Michael Unit,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:95-CV-920  
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August 27, 1999

Before KING, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:\*

Ernest Guerra, Texas prisoner no. # 642307, appeals the district court's order dismissing his claim without prejudice for lack of exhaustion. Guerra's numerous motions are all without merit and are DENIED. Guerra has failed to brief the exhaustion issue on appeal, and it is deemed abandoned. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Guerra's appeal is without arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Guerra's appeal is DISMISSED. 5TH CIR. R. 42.2.

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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APPEAL DISMISSED; ALL OUTSTANDING MOTIONS DENIED.