

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-10975
Conference Calendar

CHARLES LEIGH BERKLEY,

Plaintiff-Appellant,

versus

FIRST NATIONAL BANK OF ROTAN, Ballinger, Texas,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:99-CV-45-C

February 16, 2000

Before EMILIO M. GARZA, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

Charles Leigh Berkley, Texas prisoner # 809353, appeals the district court's dismissal of his civil lawsuit alleging wrongful foreclosure and failure to properly service bank accounts.

However, he briefs no argument that the district court erred in its conclusion; he has thus waived the sole ground for appeal, and his appeal is DISMISSED. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993)(arguments must be briefed in order to be preserved for appeal); Fed. R. App. P. 28(A)(9)(A); Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Berkley also moves for the appointment of counsel and "to proceed." His motions are DENIED.

APPEAL DISMISSED; MOTIONS DENIED.