

September 6, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-20257
Summary Calendar

JESUS MENDOZA MALDONADO,

Plaintiff-Appellant,

versus

MICHAEL JAMES LINDQUIST; CHRISTOPHER T. LOHDEN;
DIANE K. SMEDLEY; RUTH WATKINS,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:05-CV-97

Before JONES, Chief Judge, and KING and DENNIS, Circuit Judges.

PER CURIAM:*

Jesus Mendoza Maldonado, proceeding pro se and in forma pauperis, appeals the district court's dismissal of his complaint for failure to state a claim. On appeal, Maldonado challenges the district court's authority to dismiss his complaint but does not challenge the district court's basis for dismissing his complaint. The district court had the authority to dismiss Maldonado's complaint, and Maldonado's failure to identify an error in the district court's analysis is the same as if he had not appealed the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

judgment. See 28 U.S.C. § 1915(e)(2); Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987); Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993); 18 U.S.C. § 1915(e). Further, conclusional assertions are not sufficient to establish a retaliation claim. See Woods v. Smith, 60 F.3d 1161, 1166 (5th Cir. 1995) (to establish retaliation claim, one must produce either direct evidence of a retaliatory motive or at least "allege a chronology of events from which retaliation may plausibly be inferred") (internal quotations and citation omitted)).

As Maldonado's appeal is without arguable merit, it is dismissed as frivolous. See 5th Cir. R. 42.2. Maldonado is warned that any future frivolous filings will subject him to sanctions.

APPEAL DISMISSED; SANCTION WARNING ISSUED.