

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-41249
Conference Calendar

RICHARD J. JOHNSON,

Petitioner-Appellant,

versus

DOUG DRETKE, DIRECTOR, TEXAS DEPARTMENT
OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 9:02-CV-219

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Richard J. Johnson, Texas prisoner # 1005689, moves for a certificate of appealability (COA) to appeal from the district court's denial of his 28 U.S.C. § 2254 petition. Johnson did not timely appeal from district court's judgment denying his 28 U.S.C. § 2254 petition. See FED. R. APP. P. 4(a)(1)(A). Rather, his notice of appeal was timely filed only as to the court's denial of his postjudgment motions. Johnson's COA motion is DENIED as unnecessary. See Dunn v. Cockrell, 302 F.3d 491, 492

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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& n.1 (5th Cir. 2002), cert. denied, 537 U.S. 1181 (2003).

Johnson fails to argue specifically in his brief that the district court erred in denying his postjudgment motions. Claims not adequately argued in the body of the brief are deemed abandoned on appeal. Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). By failing to raise any specific arguments as to the denial of his postjudgment motions, Johnson has abandoned the only issue properly before this court. See id.

Johnson's appeal is without merit. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, we DISMISS THE APPEAL AS FRIVOLOUS. See 5TH CIR. R. 42.2. The filing of frivolous appeals in the future could subject Johnson to sanctions.

Johnson's motions for the appointment of counsel; for an evidentiary hearing; for expansion of the appellate record; for this court to remand to the state appellate court; and for a new trial and for arrest of judgment are DENIED.

COA DENIED; REMAINING MOTIONS DENIED; APPEAL DISMISSED;
SANCTION WARNING ISSUED.