

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 15-30287
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
December 10, 2015

Lyle W. Cayce
Clerk

A.V. BARNETT,

Plaintiff-Appellant

v.

STATE OF LOUISIANA,

Defendant-Appellee

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:14-CV-3238

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

A.V. Barnett, Louisiana state prisoner # 125936, appeals the district court's dismissal of his 28 U.S.C. § 1361 petition for a writ of mandamus, in which he sought to have the district court order state courts to produce records and order his immediate release. He now renews his argument that no valid indictment ever issued in his case and that his conviction is therefore invalid. He also appears to raise, for the first time on appeal, a claim of prosecutorial

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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misconduct, but this newly raised claim will not be considered. *See Shanks v. AlliedSignal, Inc.*, 169 F.3d 988, 993 n.6 (5th Cir. 1999); *Burch v. Coca-Cola Co.*, 119 F.3d 305, 319 (5th Cir. 1997).

Even affording his brief liberal construction, Barnett makes no argument that his mandamus petition was improperly dismissed. More specifically, he does not dispute the district court's correct determination that it lacked jurisdiction under § 1361 to compel state officials to perform their official duties, *see Moye v. Clerk, DeKalb County Superior Court*, 474 F.2d 1275, 1275-76 (5th Cir. 1973), or that, to the extent he sought release from custody, he must pursue relief in the form of a 28 U.S.C. § 2254 habeas corpus petition. By failing to brief such argument, Barnett has abandoned the sole ground for appeal. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Accordingly, the district court's judgment is AFFIRMED.