

United States Court of Appeals for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

December 1, 2020

Lyle W. Cayce
Clerk

No. 19-10573
CONSOLIDATED WITH
No. 19-10782
Summary Calendar

CHRISTOPHER WOOTEN,

Plaintiff—Appellant,

versus

STAN PARKER, *Howard County Sheriff*;
TIMOTHY D. YEATS, *Howard County Judge, 118th District*;
COLLEEN BARTON, *Howard County District Clerk*;
FNU AVERETT, *Howard County Deputy Sheriff*;
FNU BUCHANAN, *Howard County Deputy Sheriff*;
ROBERT H. MOORE, III, *Judge*;
TIMOTHY GREEN, *Magistrate, Howard County*;
FNU GREEN, *Judge, Howard County*,

Defendants—Appellees.

Appeals from the United States District Court
for the Northern District of Texas
No. 1:17-CV-12

No. 19-10573

No. 19-10782

Before KING, SMITH, and WILSON, *Circuit Judges*.

PER CURIAM:*

Christopher Wooten, Texas prisoner # 2089854, appeals the dismissal without prejudice, under Federal Rule of Civil Procedure 41(b), of his 42 U.S.C. § 1983 complaint and the denial of his postjudgment motion under Federal Rule of Civil Procedure 60(b). We review both for abuse of discretion. *See Coleman v. Sweetin*, 745 F.3d 756, 766 (5th Cir. 2014); *Wilson v. Johns-Manville Sales Corp.*, 873 F.2d 869, 871 (5th Cir. 1989).

On appeal, Wooten primarily realleges the substantive claims that he asserted in his § 1983 complaint. He does not discuss the application of Rule 41(b) or otherwise meaningfully address the reasons why his complaint was dismissed or his Rule 60(b) motion was denied. Though we review *pro se* briefs with the benefit of liberal construction, *see Haines v. Kerner*, 404 U.S. 519, 520 (1972), even *pro se* litigants must brief their arguments to preserve them, *see Yohey v. Collins*, 985 F.2d 222, 224–25 (5th Cir. 1993); *Brinkmann v. Dall. Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). By not identifying an error in the disposition of his § 1983 complaint or Rule 60(b) motion, Wooten has abandoned any claim related to those rulings. *See Yohey*, 985 F.2d at 224–25; *Brinkmann*, 813 F.2d at 748.

Thus, the judgment is AFFIRMED. Wooten’s motion for appointment of counsel is DENIED because he has not demonstrated exceptional circumstances. *See Naranjo v. Thompson*, 809 F.3d 793, 799 (5th Cir. 2015).

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.