

March 2, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20009
Summary Calendar

JERRY CLYDE SCHILLING,

Plaintiff-Appellant,

versus

PAMELA S. BAGGETT; ELIZABETH BURNS; GRIEVANCE
INVESTIGATOR LINDA SHAW; ROUL AVALOS; DIANA B. LOVELADY;
ANTHONY D. VALENTI; SALVATORE SAMMY BYENTELLO; BILL LEWIS;
JOHNNY M. THOMAS; VICKIE BARROW; BRIAN F. WILLIAMS; VICKIE V.
MCGINTY; KELLIE HUTCHINSON; KENNETH R. JONES; JERRY E. JACKSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CV-3366

Before DeMOSS, STEWART, and PRADO, Circuit Judges.

PER CURIAM:*

Jerry Clyde Schilling, Texas prisoner # 603386, appeals the district court's judgment dismissing as unexhausted his 42 U.S.C. § 1983 claims of retaliation, conspiracy, and deliberate indifference to his safety, and dismissing his remaining § 1983 claims as frivolous for failure to state a claim. See 28 U.S.C. § 1915A.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Schilling fails to identify error in the district court's judgment. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). By not briefing the basis of the district court's dismissal, Schilling has waived the only issues that would be the subject of his appeal. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Accordingly, the judgment of the district court is AFFIRMED.

Schilling's request for appointment of counsel is DENIED.