IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit
F I L E D
May 6, 2011
Lyle W. Cayce
Clerk

No. 10-40435
Summary Calendar

FIANCÉ ALBRITTON,

Plaintiff - Appellant

v.

NATHANIEL QUARTERMAN; Warden Unknown THOMPSON; Warden Unknown SWIFT; Warden Unknown WHEAT; P.A. Unknown NOLAN, Health Services Provider; Unknown FRANCES, Chief of Unit Classification; Unknown KYLE, Hospital Administrator; Dr. TITO ORIG, Coffield Unit Director,

Defendants - Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 6:08-CV-268

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Fiancé Albritton, Texas prisoner # 1227150, appeals following the dismissal of his complaint brought under 42 U.S.C. § 1983 and the Americans with Disabilities Act and the court's subsequent ruling that he had failed to file a timely notice of appeal. Albritton challenges only the court's underlying judgment dismissing his complaint as frivolous. He does not challenge 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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court's postjudgment order in which it rejected his claim that he had filed a notice of appeal on March 14, 2009.

For civil appeals, "[t]he filing of a timely notice of appeal, within thirty days after entry of the court's judgment, is mandatory and jurisdictional." *Kinsley v. Lakeview Reg'l Med. Ctr. LLC*, 570 F.3d 586, 588 (5th Cir. 2009). Because the record does not reveal a timely notice of appeal from the underlying judgment, this court lacks jurisdiction to review Albritton's argument. *See id.* Although we have jurisdiction to review the court's subsequent postjudgment order, Albritton has failed to brief any argument challenging the order and, therefore, has abandoned the only cognizable claim on appeal. *See Brinkmann v. Dall. Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

APPEAL DISMISSED.