

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-15952
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 30, 2010 JOHN LEY CLERK
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D. C. Docket No. 09-00459-CV-FTM-99SPC

PETER HERNANDEZ,

Plaintiff-Appellant,

versus

CHARLOTTE CORRECTION INSTITUTION,
OFFICER GUARINO,
Security Staff,
OFFICER GALLAGHER,
Security Staff,
LIEUTENANT LOWMAN,
Security Staff,
SERGEANT GATTO,
Security Staff, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Florida

(August 30, 2010)

Before CARNES, BARKETT and MARCUS, Circuit Judges.

PER CURIAM:

Peter Hernandez, a state prisoner proceeding *pro se*, appeals the district court's dismissal, without prejudice, of his civil rights action, which was filed pursuant to 42 U.S.C. § 1983, for (1) abuse of the judicial process, and (2) alternatively, failure to comply with Rules 8(a) and 10(b) of the Federal Rules of Civil Procedure. On appeal, Hernandez contends that the district court abused its discretion in dismissing his complaint for abuse of the judicial process because it erred in finding that he committed perjury with respect to his response to the question on the complaint form asking whether other federal lawsuits had been dismissed as frivolous, malicious, or for failure to state a claim.

We liberally construe *pro se* briefs. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). In liberally construing a litigant's arguments, however, we will not act as *de facto* counsel for the litigant. *GJR Invs., Inc. v. County of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998). Thus, arguments not raised on appeal by *pro se* litigants are deemed abandoned. *Timson*, 518 F.3d at 874.

Upon review of the record, and upon consideration of the party's brief, we affirm. Even construed liberally, Hernandez's brief still fails to address the district court's alternative basis for dismissing the complaint—failure to comply with

Rules 8(a) and 10(b). On this independent ground for the district court's dismissal which Hernandez has abandoned, we affirm the district court's order dismissing the complaint and need not address Hernandez's remaining arguments.

AFFIRMED.