

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

United States Court of Appeals
Fifth Circuit

FILED

April 21, 2010

Lyle W. Cayce
Clerk

No. 09-10961

Summary Calendar

JESSE F. REECE, SR.,

Plaintiff-Appellant,

versus

COUNTRYWIDE HOME LOANS;
COUNTRYWIDE FULL SPECTRUM LENDING DIVISION,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
No. 7:09-CV-147

Before DAVIS, SMITH, and DENNIS, Circuit Judges.

PER CURIAM:*

Jesse Reece, Sr., seeks leave to proceed *in forma pauperis* (“IFP”) on ap-

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

peal. The district court dismissed his complaint as frivolous on the basis that it was duplicative of a previously dismissed lawsuit. The court also denied Reece leave to proceed IFP on appeal and certified that his appeal was not taken in good faith.

The district court was correct that a complaint filed IFP may be dismissed as frivolous if it alleges “substantially the same facts arising from a common series of events which have already been unsuccessfully litigated by the IFP plaintiff.” *Wilson v. Lynaugh*, 878 F.2d 846, 850 (5th Cir. 1989); *see also Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993). In addition, it is obvious that Reece’s current complaint duplicates his prior suit. Because the appeal does not present any legal points arguable on their merits, it is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5TH CIR. R. 42.2. The motion for leave to appeal IFP is DENIED.