

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

December 12, 2007

Charles R. Fulbruge III
Clerk

No. 06-30846
Summary Calendar

ROBERT O. KINCHEN JR

Plaintiff-Appellant

v.

RANDALL STOGNER

Defendant-Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:05-CV-944

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Robert O. Kinchen, Jr. moves to proceed in forma pauperis (IFP) from the district court's dismissal of his civil complaint pursuant to FED. R. CIV. P. 12(b)(6). In order to proceed IFP on appeal, Kinchen must show that he is a pauper and that he will present a nonfrivolous issue on appeal. *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). Kinchen fails to show that he will present a nonfrivolous issue for appeal. In his appellate brief, Kinchen fails to explain how

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the district erred in dismissing his lawsuit against Stogner. *Id.* Failure to identify an error in the district court's analysis is the same as if Kinchen had not appealed the judgment. See *Brinkman v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Kinchen's brief is also void of any record citations or legal argument. *Id.* Thus, Kinchen's appeal is also subject to dismissal for failure to comply with the rules requiring citations to the record and relevant legal authority. See *Moore v. FDIC*, 993 F.2d 106, 107 (5th Cir. 1993); FED. R. APP. P. 28(a). Accordingly, Kinchen's motion to proceed IFP on appeal is DENIED and his appeal is DISMISSED. See *Baugh v. Taylor*, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5TH CIR. R. 42.2.