

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

United States Court of Appeals
Fifth Circuit

FILED

February 22, 2010

Charles R. Fulbruge III
Clerk

No. 09-30651

Summary Calendar

STEVON ARCHIE,

Plaintiff-Appellant

v.

JAMES LEBLANC; PAT BOOK, Warden, Catahoula Correctional Center; JOHN
DOE; JOAN DOE,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 1:08-CV-1381

Before JOLLY, WIENER, and ELROD, Circuit Judges.

PER CURIAM:*

Stevon Archie, Louisiana prisoner #439157, moves this court for leave to proceed in forma pauperis (IFP) on appeal. We construe Archie's motion as a challenge to the district court's determination that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Archie does not challenge either the district court's determination that he failed to comply with its discovery orders, nor does he challenge the court's

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

dismissal of his complaint based on his failure to comply with such orders. He argues that his claims against Warden Book were barred in federal court on the basis of sovereign immunity and, thus, the district court lacked subject matter jurisdiction over his complaint.

The Eleventh Amendment does not limit jurisdiction as to suits against parishes. *United Disaster Response, LLC v. Omni Pinnacle, LLC*, 511 F.3d 476, 479 (5th Cir. 2007). In Louisiana, the operation of the parish prison is the responsibility of local parish authorities, not of the State. *See Fairley v. Stalder*, 294 F. App'x 805, 811-12 (5th Cir. 2008), *cert. denied*, 129 S. Ct. 1619 (2009). Archie's contention that he is prohibited from suing Warden Book in federal court is thus without merit.

Archie's appeal is frivolous. Accordingly, his motion for leave to proceed IFP is denied and the appeal is dismissed as frivolous. *See* 5TH CIR. R. 42.2.
IFP MOTION DENIED; APPEAL DISMISSED.