

November 30, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-20167
Summary Calendar

B. JOE THOMSON,

Plaintiff-Appellant,

versus

HOUSTON POLICE DEPARTMENT; SOUTH TEXAS COLLEGE OF LAW,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:03-CV-3908

Before GARZA, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

B. Joe Thomson challenges the district court's denial of his motion for a new trial and his application to proceed in forma pauperis ("IFP") on appeal following the dismissal of his civil rights complaint as barred by res judicata. Thomson is effectively challenging the district court's certification that he should not be granted IFP status because his appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Thomson has not demonstrated that he will raise a nonfrivolous issue on appeal. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, Thomson's motion to proceed IFP is DENIED, and his appeal is DISMISSED as frivolous. 5TH CIR. R. 42.2; Baugh, 117 F.3d at 202 n.24.

IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS.