

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20887
Conference Calendar

RODNEY LEE MCDOWELL,

Plaintiff-Appellant,

versus

STATE OF TEXAS; HARRIS
COUNTY DISTRICT CLERK,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-533

February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Rodney Lee McDowell, Texas state prisoner #649018, moves for leave to proceed in forma pauperis (IFP) following the district court's certification that his appeal is taken in bad faith. McDowell does not indicate why the bad-faith determination was erroneous and provides no authority for his assertion that he is entitled to have his past arrests expunged from the record.

McDowell's challenge to the district court's certification decision lacks arguable merit, and the district court did not err

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

in finding that the instant appeal was not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 n.24 (1997). Because the appeal is without arguable merit, it is DISMISSED as frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. McDowell's motion to proceed IFP on appeal is DENIED.

IFP MOTION DENIED; APPEAL DISMISSED.