

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30808
Conference Calendar

ANGELA M. BOUTTE,

Plaintiff-Appellant,

versus

GEORGE W. BUSH, Jr., President of the United States;
RICHARD B. CHENEY, Vice President of the United States;
MARY LANDRIEU, U.S. Senator; MARC H. MORIAL, Mayor; CITY OF NEW
ORLEANS; MICHELLE M. MORIAL; WWL TELEVISION STATION; T. LAMAR
TEAFORD, Dr.; LAKELAND MEDICAL CENTER; KAMRAN ZAHERI, M.D.; TENET
HEALTH SYSTEM MEMORIAL MEDICAL CENTER, INC.; UNIDENTIFIED
PARTIES,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 01-CV-661-R

October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:

Angela Boutte has filed a motion to proceed in forma pauperis (IFP) and a motion to expedite her appeal of the district court's dismissal of her civil complaint as frivolous.

A district court may deny a motion for leave to appeal IFP by certifying that the appeal is not taken in good faith and by providing written reasons for the certification. 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). The appellant may challenge the district court's certification decision by filing in this

court a motion for leave to proceed IFP. Id. at 202; Fed. R. App. P. 24(a)(5). The motion, however, "must be directed solely to the trial court's reasons for the certification decision." See Baugh, 117 F.3d at 202.

Boutte's motion does not challenge the district court's certification that the appeal was not taken in good faith, as is required. It is therefore DENIED.

If the merits of the appeal are "inextricably intertwined with the certification decision," we may determine both issues. Baugh, 117 F.3d at 202. Our inquiry into an appellant's good faith" is limited to whether the appeal involves "legal points arguable on their merits (and therefore not frivolous)." Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983) (citation omitted). Probable success on the merits is not required. Id.

Boutte has failed to show that her appeal involves nonfrivolous legal issues. Her claims are "inextricably intertwined" with the district court's certification decision, and, therefore, we dismiss the appeal as frivolous in the interest of judicial economy. See Baugh, 117 F.3d at 202; 5th Cir. R. 42.2. Boutte's motion to expedite appeal is DENIED as moot.

Motion for IFP status DENIED; motion to expedite appeal DENIED; all other motions are DENIED; appeal DISMISSED.