

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50288
Summary Calendar

JAIME FRAUSTO MARROQUIN,

Plaintiff-Appellant,

versus

GARY L. JOHNSON, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, INSTITUTIONAL DIVISION; WAYNE SCOTT, Executive Director; ALLAN POLUNSKY, Chairman, Texas Board of Criminal Justice, Austin, TEXAS; ALLEN HIGHTOWER, Executive Director, Correctional Managed Health Care; LANNETTE LINTHICUM, Director, Health Services Division; DALE A. MOHLER, Practice Manager II, Hughes Unit; BILL WILLIAMS, Staff Nurse III, Hughes Unit; DAVID COOPER, Licensed Vocational Nurse,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-01-CV-97

July 2, 2002

Before DAVIS, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Appellant Jaime Frausto Marroquin, former Texas state prisoner # 732430, contends that the appellees, officials and employees of the Texas state prison system, have a constitutional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

obligation to provide the class comprised of prison inmates with special work boots. IT IS ORDERED that Marroquin's application for leave to appeal in forma pauperis (IFP) is DENIED, because the appeal lacks arguable merit and is therefore frivolous. See Denton v. Hernandez, 504 U.S. 25, 31-33 (1992); Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Because the appeal is frivolous, IT IS FURTHER ORDERED that the appeal is DISMISSED. See 5TH CIR. R. 42.2.

IT IS FURTHER ORDERED that Marroquin's applications for the appointment of counsel and for a continuance are DENIED.

MOTIONS DENIED; APPEAL DISMISSED.