

December 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 05-60460
Conference Calendar

ILONA WILKS,

Plaintiff-Appellant,

versus

FEDEX GROUND,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:04-CV-32

Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

Ilona Wilks filed a civil complaint for damages against FedEx Ground, alleging that she was denied employment as a truck driver on account of her race and sex. Following discovery, the district court granted the defendant's motion for summary judgment, and it ruled that Wilks was not financially eligible to appeal in forma pauperis (IFP).

Wilks has moved this court for permission to proceed IFP on appeal. We agree with the district court's determination that the financial information submitted by Wilks establishes that she

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is able to pay the costs of her appeal without undue hardship or deprivation of life's necessities. See Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339-40 (1948).

Because Wilks's appellate arguments do not address the district court's reason for entering summary judgment, she has failed to establish a nonfrivolous ground for appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 28 U.S.C.

§ 1915(a)(3). The motion to proceed IFP motion is denied. As the appeal contains no nonfrivolous issues, it is dismissed.

Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR.

R. 42.2.

MOTION FOR IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS.