

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10247
Summary Calendar

LONZIE WILSON, JR.,

Plaintiff-Appellant,

versus

No First Name STEPHENS, Assistant Warden;
R. EASON, Major,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:96-CV-153-X
- - - - -

April 2, 1998

Before JOLLY, BENAVIDES and PARKER, Circuit Judges.

PER CURIAM:*

Lonzie Wilson, Jr., # 711254, has filed an application for leave to proceed in forma pauperis (IFP) on appeal, following the district court's dismissal of his 42 U.S.C. § 1983 complaint for failure to state a claim upon which relief could be granted. 28 U.S.C. § 1915(e)(2)(B)(ii). By moving for IFP, Wilson is challenging the district court's certification that IFP should

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not be granted on appeal because his appeal is not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

Wilson has alleged that Stephens and Eason were aware that Inmate Jones was mentally disturbed and on medication. He has not specifically alleged that they were aware of facts which would have put them on notice that Jones presented a substantial risk of serious harm. See Farmer v. Brennan, 511 U.S. 825, 837 (1994). Accordingly, we uphold the district court's order certifying that the appeal is not taken in good faith. Wilson's request for IFP status is DENIED, and his appeal is DISMISSED as frivolous. See Baugh, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.

We caution Wilson that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Wilson is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.