

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50673
Conference Calendar

BENNIE FINISTER,

Plaintiff-Appellant,

versus

T. STANDRIDGE; W. HOPKINS,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-96-CV-7
- - - - -

April 16, 1999

Before JONES, SMITH, and DUHÉ, Circuit Judges.

PER CURIAM:*

The motion filed by Bennie Finister, Texas state prisoner #649506, for leave to proceed in forma pauperis on appeal is DENIED. Finister has failed to identify a nonfrivolous issue for appeal. The district court did not err in certifying that an appeal would be frivolous. Accordingly, the appeal is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); Baugh v. Taylor, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5th Cir. R. 42.2.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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IFP MOTION DENIED; APPEAL DISMISSED.