

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 99-40629  
Summary Calendar

---

DOMINGO VALDEZ MARTINEZ,

Petitioner-Appellant,

versus

MICHAEL PURDY, Warden,

Respondent-Appellee.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. C-99-CV-46  
- - - - -

October 6, 1999

Before HIGGINBOTHAM, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:\*

Domingo Valdez Martinez, federal prisoner # 52784-080, seeks leave to proceed in forma pauperis (IFP) in the dismissal of his petition pursuant to 28 U.S.C. § 2241. In addition to raising his substantive claims, Martinez argues that he may pursue his § 2241 petition because his relief under 28 U.S.C. § 2255 has been rendered ineffective by the application of the statute of limitations period enacted by the Antiterrorism and Effective Death Penalty Act of 1996.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

By moving for IFP, Martinez is challenging the district court's certification that IFP status should 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). Because Martinez has not demonstrated that he will raise a nonfrivolous issue on appeal, his motion to proceed IFP is DENIED. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Martinez's request to expedite the appeal is also DENIED. Because the appeal is frivolous, it is DISMISSED. 5TH CIR. R. 42.2.

MOTIONS DENIED. APPEAL DISMISSED.