

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

August 13, 2012

Lyle W. Cayce
Clerk

No. 11-10974
Summary Calendar

LOU TYLER,

Plaintiff-Appellant

v.

CITI RESIDENTIAL LENDING, INCORPORATED,

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:09-CV-1488

Before JOLLY, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:*

Lou Tyler moves this court for leave to proceed in forma pauperis (IFP) in her appeal of the district court's grant of summary judgment in favor of the defendant, Citi Residential Lending, Inc. (Citi). She also moves this court for appointment of counsel and summary judgment. By moving for IFP status here, Tyler is challenging the district court's certification that her appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); FED. R. APP. P. 24(a). Tyler's brief on appeal contends that Citi should have reduced her

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 11-10974

payoff amount and that Citi harassed her, threatened foreclosure, and placed her in foreclosure. She does not address, however, the district court's certification that her appeal was not taken in good faith, nor does she address any of the district court's reasons for its certification decision. *See Baugh*, 117 F.3d at 202. Accordingly, her challenge to the district court's certification decision is deemed abandoned. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Additionally, Tyler has not shown that her appeal involves "legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

Tyler's motion for leave to proceed IFP on appeal is DENIED; her motion for appointment of counsel is DENIED; her motion for summary judgment is DENIED; and her appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.