

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-10049
Conference Calendar

PEDRO FLORES TORRES,

Plaintiff-Appellant,

versus

ALLRED UNIT MEDICAL DEPARTMENT,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 7:00-CV-71-R

June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

The district court has certified that the captioned appeal has not been taken in good faith, pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a), and that Texas prisoner Pedro Flores Torres (#758935) should not be allowed to proceed in forma pauperis (IFP) on appeal. Torres has filed a motion to proceed IFP on appeal, which this court construes as a motion challenging the district court's certification.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Torres does not show why the bad-faith determination was erroneous and has thus failed to satisfy the requirements of Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). The record fully supports the district court's determination that Torres has failed to allege facts to support a claim on which relief could be granted. In addition, Torres's action must fail because he did not exhaust administrative remedies. See Porter v. Nussle, 122 S. Ct. 983, 992 (2002).

The appeal is frivolous; the motion for IFP is DENIED; and the appeal is DISMISSED. 5TH CIR. R. 42.2.