

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-20305
Summary Calendar

JAMES A. FONTENOT,

Plaintiff-Appellant,

versus

JUDY JOHNSON; DEBRN WILEY;
ROBERT VANBURKLEO; MRS. HINSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CV-1640

June 26, 2002

Before DAVIS, BENAVIDES, and CLEMENT, Circuit Judges.

PER CURIAM:*

James A. Fontenot, Texas prisoner # 193029, has filed a motion to proceed in forma pauperis ("IFP") in his appeal of the district court's dismissal of his 42 U.S.C. § 1983 complaint. By moving for IFP, Fontenot 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).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Fontenot's disagreement with the doctors' assessments and the decision to classify him as an inmate with mental difficulties does not support a cause of action for the violation of his constitutional rights. See Harper v. Showers, 174 F.3d 716, 719 (5th Cir. 1999); Norton v. Dimazana, 122 F.3d 286, 292 (5th Cir. 1997); Wilson v. Budney, 976 F.2d 957, 958 (5th Cir. 1992). The district court also correctly concluded that Fontenot's conspiracy allegations were conclusional and do not support an actionable claim. See Babb v. Dorman, 33 F.3d 472, 476 (5th Cir. 1994). The district court did not abuse its discretion in denying Fontenot's motions for appointment of counsel and a preliminary injunction. Walgreen Co. v. Hood, 275 F.3d 475, 477 (5th Cir. 2001); Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). Fontenot's appeal is thus without arguable merit and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

Accordingly, we uphold the district court's order certifying that the appeal is not taken in good faith and denying Fontenot IFP status on appeal, we deny the motion for leave to proceed IFP, and we DISMISS Fontenot's appeal as frivolous. See Baugh, 117 F.3d at 202 n.24; 5th Cir. R. 42.2.

APPEAL DISMISSED.