

April 21, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-50875
Conference Calendar

JEFFRIE ANTERIES DANIEL,

Plaintiff-Appellant,

versus

BEXAR COUNTY DISTRICT ATTORNEY'S OFFICE; LORETTA HEWITT,
Assistant District Attorney; BEXAR COUNTY, RUDY ZARATE, D.P.S.
Trooper; TEXAS DEPARTMENT OF PUBLIC SAFETY; THE STATE OF TEXAS,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-02-CV-348

Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Jeffrie Anteries Daniel, Texas prisoner no. 737485, moves for leave to proceed in forma pauperis (IFP) on appeal. The district court denied the motion pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), on the ground that Daniel's appeal was not taken in good faith.

By moving this court for leave to proceed IFP, Daniel has challenged the district court's certification that the appeal is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not taken in good faith. Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Daniel's motion addresses only his claims that were dismissed under Heck v. Humphrey, 512 U.S. 477 (1994). These claims were properly dismissed because they challenge the validity of his conviction, which has not been overturned or set aside. See id. at 486-87. Daniel fails to argue or analyze any other relevant issue and has thus waived any challenge to the district court's certification. See United States v. Reyes, 300 F.3d 555, 558 n.2 (5th Cir. 2002) (failure to provide legal or factual analysis of issue results in its waiver). Because Daniel has not made the showing required to obtain leave to proceed IFP on appeal, his IFP motion is DENIED. See Baugh, 117 F.3d at 202. Moreover, because Daniel fails to show that he can raise a nonfrivolous issue on appeal, his appeal is DISMISSED. See id. at 202, n.24; 5TH CIR. R. 42.2.

IFP DENIED; APPEAL DISMISSED.