

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-60198
Summary Calendar

JOHN JOSEPH DEDEAUX, SR.,

Plaintiff-Appellant,

versus

BETTY FOSTER, Etc.; ET AL.,

Defendants,

BETTY FOSTER, Mail Inspector at Parchman,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Mississippi
(4:99-CV-237-B-D)

October 7, 2002

Before BARKSDALE, DEMOSS, and BENAVIDES, Circuit Judges.

PER CURIAM:*

A district judge granted judgment as a matter of law dismissing as frivolous a civil rights action brought by John Joseph Dedeaux, Sr., Mississippi prisoner no. 93417, against Betty Foster. Three other defendants had already been dismissed for Dedeaux's failure to state a cause of action against them under 42 U.S.C. § 1983. The district judge denied Dedeaux's motion to proceed on appeal *in forma pauperis* (IFP) and certified that the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal was not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3). Dedeaux now seeks leave from this court to appeal IFP. See **Baugh v. Taylor**, 117 F.3d 197 (5th Cir. 1997).

Dedeaux does not address the reasons for the district court's certification that his appeal is not taken in good faith. He therefore has waived the only issue relevant to his IFP motion. See **Yohey v. Collins**, 985 F.2d 222, 225 (5th Cir. 1993) (issues not briefed are abandoned). Dedeaux fails to show that he would present any nonfrivolous issue for appeal.

His motion to proceed IFP is **DENIED**, and his appeal is **DISMISSED** as frivolous. See 5TH CIR. R. 42.2.

DENIED AND DISMISSED