

December 9, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30624
Conference Calendar

PAMELA SHIRLEY,

Plaintiff-Appellant,

versus

RICKY MARTIN,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 03-CV-1101-I

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

PER CURIAM:*

Pamela Shirley has moved for leave to proceed in forma pauperis ("IFP") in this appeal from the district court's judgment dismissing her civil action as factually frivolous. An IPF complaint shall be dismissed if it has no arguable basis in law or in fact. See 28 U.S.C. § 1915(e)(2)(B)(i); see also Siglar v. Hightower, 112 F.3d 191, 193 (5th Cir. 1997).

Shirley's unsworn narrative declarations do not show that the fantastic events described in her complaint have any basis in fact. See Neitzke v. Williams, 490 U.S. 319, 328 (1989). There

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is no reason to believe that the deficiencies in Shirley's pleadings could be cured through further factual development. The motion for leave to proceed IFP on appeal is DENIED and the appeal is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); see also 5TH CIR. R. 42.2.

Shirley's motion for appointment of counsel is also DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

MOTIONS DENIED; APPEAL DISMISSED AS FRIVOLOUS.