

June 21, 2005

UNITED STATES COURT OF APPEALS  
FIFTH CIRCUIT

Charles R. Fulbruge III  
Clerk

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No. 04-51016  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JULIUS DREW, SR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
(1:04-CR-196-ALL-LY)

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Before JONES, BARKSDALE, and PRADO, Circuit Judges.

PER CURIAM:\*

Julius Drew, Sr., seeks leave to proceed in forma pauperis (IFP) on appeal from the district court's order remanding the state court criminal actions against him following his filing of a notice of removal pursuant to 28 U.S.C. § 1443. Drew is effectively challenging the district court's certification that he should not be granted IFP status because his appeal is not taken in good

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a).

In state court, Drew pleaded guilty to charges of assault, recklessly causing bodily injury to an elderly person, and the unauthorized practice of law. As Drew did not allege that a specific federal law protects the criminal conduct with which he was charged, he has not shown that removal of the criminal actions was appropriate under 28 U.S.C. § 1443. See *City of Greenwood, Miss. v. Peacock*, 384 U.S. 808, 824-28 (1966). Furthermore, as Drew filed his notice of removal over a year after he pleaded guilty and was sentenced, his notice of removal was untimely. See 28 U.S.C. § 1446(c)(1).

Because Drew has failed to show that his case presented nonfrivolous issues for appeal, we uphold the district court's order certifying that the appeal is not taken in good faith. Drew's request for IFP status is **DENIED**, and his appeal is **DISMISSED** as frivolous. See *Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2. Drew's remaining outstanding motions are also **DENIED**.

***IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS; ALL OUTSTANDING  
MOTIONS DENIED***