

May 29, 2007

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 06-30881
Summary Calendar

BRIAN K. CHISHOLM,

Plaintiff-Appellant,

versus

JONNY SUMLIN; RICHARD BRAZZEL; SERGEANT ELLISON,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 3:06-CV-739

Before JOLLY, DENNIS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Brian K. Chisholm, Louisiana prisoner # 323477, moves for leave to proceed in forma pauperis (IFP) on appeal. The district court denied Chisholm's IFP motion and certified that the appeal was not taken in good faith. By moving for IFP, Chisholm is challenging the district court's certification. Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

Chisholm filed a 42 U.S.C. § 1983 complaint and claims for declaratory and injunctive relief against Union Parish Detention Center (UPDC) officials alleging that: (1) UPDC officials

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

confiscated his legal books and failed to return them, thus depriving him of his property without due process of law, (2) UPDC kitchen staff violated his rights under the Free Exercise Clause of the First Amendment by giving him meals that were prepared in violation of his Muslim faith.

However, Chisholm's claims do not involve legal points arguable on their merits. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotations and citations omitted); Baugh, 117 F.3d at 202. Accordingly, Chisholm's motion to proceed IFP is DENIED and his appeal is DISMISSED.