

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 14, 2008

No. 07-51312
Summary Calendar

Charles R. Fulbruge III
Clerk

MARTIN MORENO RUIZ

Plaintiff-Appellant

v.

FEDERAL GOVERNMENT OF THE MEXICAN REPUBLIC; MEXICAN ARMY
DEPARTMENT OF INFANTRY 35 REGIMENT; OSVALDO BEJAR
ARMENDARIZ; Mayor CORDERO; JOE DOE 1; ET AL

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:07-CV-79

Before JOLLY, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Martin Moreno Ruiz, alien detainee # A28-486-148, has filed a motion for leave to proceed in forma pauperis (IFP) on appeal. The district court denied Ruiz's IFP motion and certified that the appeal was not taken in good faith. By moving for IFP status, Ruiz is challenging the district court's certification. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Aside from conclusional allegations, Ruiz does not challenge the district court's determination that he failed to present an arguable or non-frivolous issue for appeal. Further, aside from conclusional allegations that his complaint was filed under the Alien Tort Claims Act, the Universal Declaration of Human Rights, the Mexican Military Justice Code, the United Nations Charter, and Article VI of the United States Constitution, Ruiz does not address the district court's determination that it lacked subject matter jurisdiction over his claims. Ruiz's attempt to incorporate by reference the arguments set forth in his notice of appeal is an insufficient means of raising those arguments in this court. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Therefore, these issues are deemed abandoned. See *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Ruiz has not shown that the district court's certification was incorrect. The instant appeal is without arguable merit and is thus frivolous. Accordingly, Ruiz's request for IFP status is denied, and his appeal is dismissed as frivolous. See *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. Ruiz's motions for a temporary restraining order (stay of deportation), a transfer or relocation to another facility, and a picture of the district court judge are also denied.

MOTIONS DENIED; APPEAL DISMISSED.