

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

November 19, 2012

Lyle W. Cayce
Clerk

No. 12-10216
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

MAYFORD KENNETH DAVIS, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:11-CV-587

Before JOLLY, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:*

The Government, through the United States Attorney General at the request of the Chief Counsel of the Internal Revenue Service (IRS) as a delegate of the Secretary of the Treasury, filed a complaint pursuant to 28 U.S.C. § 7402 seeking to invalidate the filing of false documents in the public records against IRS employees by Mayford Kenneth Davis, Jr. The district court considered the matter and invalidated all of the specified filings upon the public record. The district court gave Davis 30 days to file a list of any documents he contends were

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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valid and filed properly. The district court also enjoined Davis from any future such filings against federal employees. Davis filed a notice of appeal but did not file any lists of documents in accordance with the district court's order.

The district court denied Davis leave to proceed in forma pauperis (IFP) on appeal, certifying that the appeal was not taken in good faith. *See* 28 U.S.C. § 1915(a)(3); *see also* FED. R. APP. P. 24(a)(3). Davis now moves this court for leave to proceed IFP. His motion constitutes a challenge to the district court's certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into a litigant's good faith "is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted).

Davis does not address the district court's certification decision in any meaningful way. Because Davis has failed to challenge the specific reasons for the district court's decision or show that the appeal raises a nonfrivolous issue, the IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Howard*, 707 F.2d at 202 n.24; 5TH CIR. R. 42.2.