

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

No. 14-10323
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 10, 2015

Lyle W. Cayce
Clerk

MICHAEL ANTHONY DAVIS,

Petitioner-Appellant

v.

RODNEY W. CHANDLER, Warden, Federal Correction Institute-Fort Worth,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:14-CV-78

Before DENNIS, SOUTHWICK, and HAYNES, Circuit Judges.

PER CURIAM:*

Michael Anthony Davis, federal prisoner # 33896-177, moves to proceed in forma pauperis (IFP) to appeal the dismissal of his third 28 U.S.C. § 2241 petition as an abuse of the writ. Davis was convicted on one count of conspiracy to possess and distribute cocaine base and one count of distribution of cocaine base and aiding and abetting, and he was sentenced to 360 months of imprisonment. In considering Davis's motion to proceed IFP, the district court

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 14-10323

concluded that there was no nonfrivolous issue for appeal, certified that an appeal would not be taken in good faith, and denied IFP.

Davis challenges the certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry 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 makes no showing that his claims meet the requirements of a § 2241 petition. *See Reyes-Requena v. United States*, 243 F.3d 893, 904 (5th Cir. 2001). Accordingly, the IFP motion is denied. *See Baugh*, 117 F.3d at 202. The appeal is dismissed as frivolous. *See Howard*, 707 F.2d at 220; 5TH CIR. R. 42.2.

Given Davis’s previous filings in this court and the frivolous nature of the instant motion, Davis is warned that filing frivolous or repetitive challenges to his conviction or sentence in this court or in any court subject to the jurisdiction of this court will result in the imposition of sanctions. Davis is directed to review any pending matters to ensure that they are not frivolous or repetitive.

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.