

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

No. 15-50333

United States Court of Appeals
Fifth Circuit

FILED

November 8, 2016

Lyle W. Cayce
Clerk

PABLO CARDENAS SANCHEZ,

Plaintiff-Appellant

v.

KARNES COUNTY CORRECTIONAL CENTER; UNKNOWN NAMED
WARDEN OF KARNES CORRECTIONAL; TWO UNKNOWN NAMED
OFFICIALS OF KARNES CORRECTIONAL,

Defendants-Appellees

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:15-CV-130

Before JOLLY, DAVIS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Pablo Cardenas Sanchez, federal prisoner # 11753-179, moves for leave to proceed in forma pauperis (IFP) on appeal from the dismissal of his *Bivens*¹ complaint. Cardenas Sanchez alleged that his civil rights were violated when he became ill after a transfer to the Karnes County Correctional Center during

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

¹ *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971).

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which the transfer officers refused to turn on the vehicle's air conditioning. The district court concluded that Cardenas Sanchez failed to state a nonfrivolous claim and certified that an appeal would not be in good faith.

By moving to proceed IFP on appeal, Cardenas Sanchez challenges the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). However, he does not challenge the district court's reasons for dismissing his complaint or denying him leave to proceed IFP on appeal. Pro se briefs are afforded liberal construction. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Nevertheless, when an appellant fails to identify any error in the district court's analysis, it is the same as if the appellant had not appealed that issue. *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because Cardenas Sanchez has failed to challenge any legal aspect of the district court's disposition of his complaint or the certification that his appeal is not taken in good faith, he has abandoned the critical issues of his appeal. *Id.* Thus, the appeal lacks arguable merit and is frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

Accordingly, Cardenas Sanchez's motion for leave to proceed IFP on appeal is DENIED, and his appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. Our dismissal of this appeal as frivolous and the district court's dismissal of the complaint count as two strikes under 28 U.S.C. § 1915(g). Cardenas Sanchez is warned that if he accumulates three strikes under § 1915(g), he will not be able to proceed IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. *See id.*

MOTION DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.