

United States Court of Appeals
for the Fifth Circuit

No. 18-31182
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 10, 2020
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

SONNY ALLEN, ALSO KNOWN AS SHORTBREAD ALLEN,

Defendant—Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:12-CR-138-3

Before HIGGINBOTHAM, SMITH, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Sonny Allen, federal prisoner # 33044-034, has applied for leave to proceed in forma pauperis (IFP) in this appeal filed years after Allen's conviction on one count of conspiracy to distribute and possess with intent to distribute 280 grams or more of cocaine base, 21 U.S.C. § 846, and four

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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counts of distributing a quantity of cocaine base, 21 U.S.C. § 841(a)(1), (b)(1)(C), and the imposition of his total sentence of 240 months in prison. By moving to appeal IFP, Allen challenges the certification that his appeal is not in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). To proceed IFP, Allen must demonstrate financial eligibility and a nonfrivolous issue for appeal. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). In determining whether a nonfrivolous issue exists, this court's 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 citations omitted).

As the district court concluded, and Allen does not challenge, the notice of appeal does not identify an existing judgment or order from which Allen is appealing. Allen therefore fails to present a nonfrivolous issue for appeal, and his request for leave to proceed IFP is DENIED. The appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.