

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

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No. 18-50926  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

March 14, 2019

Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DANIEL ARRIAGA, III, also known as Daniel Arriaga,

Defendant-Appellant

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Appeals from the United States District Court  
for the Western District of Texas  
USDC No. 1:10-CR-789-1

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Before DENNIS, GRAVES, and COSTA, Circuit Judges.

PER CURIAM:\*

Daniel Arriaga, III, federal prisoner # 65810-280, moves for leave to proceed in forma pauperis (IFP) on appeal from the district court's denial of his motion for writ time to be allocated to his federal sentence, arguing that his federal sentence should be credited for the time he spent in federal custody on a federal writ of habeas corpus ad prosequendum. The district court dismissed the motion, stating that Arriaga was not entitled to credit because he had been

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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sentenced to consecutive sentences and had already received state credit. The district court denied Arriaga leave to proceed IFP on appeal and certified that an appeal would not be taken in good faith.

By moving to proceed IFP on appeal, Arriaga 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). As he has not shown he can raise a nonfrivolous issue regarding the denial of his motion, Arriaga's motion for leave to proceed IFP is DENIED and his appeal is DISMISSED AS FRIVOLOUS. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.