

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

United States Court of Appeals
Fifth Circuit

FILED

May 28, 2020

Lyle W. Cayce
Clerk

No. 19-10977
Summary Calendar

LINDSEY KENT SPRINGER,

Petitioner-Appellant

v.

M. UNDERWOOD, Warden, FCI Seagoville,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:19-CV-1433

Before DENNIS, ELROD, and DUNCAN, Circuit Judges.

PER CURIAM:*

Lindsey Kent Springer, federal prisoner # 02580-063, appeals the dismissal of his 28 U.S.C. § 2241 habeas corpus petition in which he argued that he was exposed to asbestos and mold at the prison and contended that prison officials did not provide medical treatment for his exposure. He sought an order for immediate medical care and a reduced sentence. 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 19-10977

determined that he should have raised his claims in a civil rights complaint rather than a § 2241 habeas corpus petition.

Springer argues that the district court erroneously relied on the Prison Litigation Reform Act when certifying that his appeal was not taken in good faith, did not consider his objections to the magistrate judge's report, and did not provide reasons for its certification. He also reiterates his claims of asbestos and mold exposure and lack of medical treatment.

By moving to proceed IFP, Springer is challenging the district court's certification that this appeal was not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into an appellant'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 citations omitted).

Springer's claims regarding the district court's certification and consideration of his objections are unavailing as they are belied by the record. His exposure and medical treatment claims directly address his conditions of confinement and, thus, should have been raised in a civil rights complaint. *See Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971); *Butts v. Martin*, 877 F.3d 571, 587 (5th Cir. 2017); *Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000); *Carson v. Johnson*, 112 F.3d 818, 820-21 (5th Cir. 1997). The district court did not err in dismissing Springer's § 2241 habeas corpus petition. As Springer's appeal sets forth no issue of arguable merit, it is frivolous. *See Howard*, 707 F.2d at 219-20.

Accordingly, Springer's motion for leave to proceed IFP on appeal is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.