

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

No. 19-30369
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 25, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

CHRISTOPHER JOSEPH,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:13-CR-184-3

Before HIGGINBOTHAM, SOUTHWICK, and WILLETT, Circuit Judges.

PER CURIAM:*

Christopher Joseph, federal prisoner # 33190-034, moves for leave to proceed in forma pauperis (IFP) in this purported direct appeal of the sentence imposed following his drug conspiracy conviction. The district court has not yet considered the magistrate judge's ruling on Joseph's IFP motion; thus, we lack jurisdiction to consider the magistrate judge's ruling. *See Donaldson v. Ducote*, 373 F.3d 622, 624-25 (5th Cir. 2004).

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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Furthermore, we previously dismissed Joseph's direct appeal as frivolous. *See United States v. Joseph*, 631 F. App'x 247, 248 (5th Cir. 2016). His attempt to challenge his sentence in a second direct appeal is without arguable merit and is, therefore, frivolous. *See* 5TH CIR. R. 42.2; *United States v. Arlt*, 567 F.2d 1295, 1296-97 (5th Cir. 1978).

Accordingly, the appeal is DISMISSED in part for lack of jurisdiction and in part as frivolous. The IFP motion is DENIED.