

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

May 4, 2023

Lyle W. Cayce
Clerk

No. 22-20530
Summary Calendar

RICARDO ENRIQUEZ SANCHEZ,

Petitioner—Appellant,

versus

UNITED STATES IMMIGRATION DEPARTMENT,

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:21-CV-2537

Before CLEMENT, SOUTHWICK, and HIGGINSON, *Circuit Judges.*

PER CURIAM:*

Ricardo Enriquez Sanchez, Texas prisoner # 1745089, moves for leave to proceed in forma pauperis (IFP) to appeal the denial of his motion filed under Federal Rule of Civil Procedure 60(b). The district court determined that Enriquez Sanchez had not shown his entitlement to relief under Rule 60(b) insofar as he failed to point to any new evidence or intervening change

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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in law, failed to show any mistake, misconduct, or other reason that would justify relief, and failed to dispute any particular finding or conclusion in the court's order dismissing his 28 U.S.C. § 2241 petition.

Enriquez Sanchez does not address the district court's reasons for denying his Rule 60(b) motion and certifying that his appeal was not taken in good faith under 28 U.S.C. § 1915(a)(3). The failure by Enriquez Sanchez to address the district court's basis for dismissing his petition "without even the slightest identification of any error in [the district court's] legal analysis or its application to [his] suit . . . , is the same as if he had not appealed that judgment." *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

The instant appeal is without arguable merit and is thus frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, the motion to proceed IFP is DENIED, and the appeal is DISMISSED. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997); 5TH CIR. R. 42.2. Enriquez Sanchez's motion for appointment of counsel and motion for oral argument are also DENIED.

This is Enriquez Sanchez's second appeal that this court has dismissed as frivolous that entails challenges to his underlying conviction or immigration proceedings. He is WARNED that future frivolous, repetitive, or otherwise abusive filings will invite the imposition of sanctions, which may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction. *See Coghlan v. Starkey*, 852 F.2d 806, 817 n.21 (5th Cir. 1988).