

# United States Court of Appeals for the Fifth Circuit

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No. 22-50736  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

November 29, 2023

Lyle W. Cayce  
Clerk

SECURITIES AND EXCHANGE COMMISSION,

*Plaintiff—Appellee,*

*versus*

WILLIAM J. MILLES, JR.,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:19-CV-714

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Before ELROD, HAYNES, and DOUGLAS, *Circuit Judges.*

PER CURIAM:\*

William J. Milles, Jr., seeks to proceed in forma pauperis (IFP) on appeal from the district court's grant of summary judgment in favor of the Securities and Exchange Commission (SEC). He contends that the district court erred in denying his motion for joinder and in granting summary judgment in favor of the SEC as another individual was responsible for

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

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supplying him with fraudulent or misleading information that he then provided to investors.

Milles's motion to proceed IFP and his appellate brief are construed as a challenge to the district court's certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(5). To proceed IFP, Milles must demonstrate both financial eligibility and a nonfrivolous issue for appeal. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). An appeal presents nonfrivolous issues when it raises legal points that are arguable on the merits. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). If the appeal is frivolous, we may dismiss it sua sponte. 5TH CIR. R. 42.2; *see Baugh*, 117 F.3d at 202 & n.24.

Milles's conclusory arguments do not present a nonfrivolous issue for appeal. *See Howard*, 707 F.2d at 220. Consequently, he has not made the requisite showing for leave to proceed IFP on appeal. *See Carson*, 689 F.2d at 586. Accordingly, the IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See FED. R. APP. P. 24(a)*; 5TH CIR. R. 42.2.