

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-40915  
Summary Calendar

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DARRELL DEWAYNE JOHNSON,

Plaintiff-Appellant,

versus

S.O. WOODS, Chairman for the  
State Classification Committee,  
Et Al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 6:93-CV-590

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(November 11, 1994)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:\*

Darrell Dewayne Johnson seeks to proceed on appeal in forma pauperis from the district court's dismissal with prejudice of his civil rights suit. To proceed IFP, Johnson "must be economically eligible, and his appeal must not be frivolous." Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986) (citations omitted). Johnson has failed to submit a complete financial affidavit to this Court, although he did submit a complete financial affidavit in the district court. Because

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Johnson has failed to raise a non-frivolous issue for appeal, we need not determine whether Johnson meets the economic requirements to proceed IFP. See Jackson, 811 F.2d at 261.

An appellant need not demonstrate a likelihood of success on the merits in order to appeal IFP. Id. The Court will grant IFP if the appellant has raised "legal points arguable on their merits. . . ." Id. (quotation and citation omitted). It is inappropriate to dismiss a claim as frivolous if, with additional factual development, the "allegations may pass section 1915(d) muster." Eason v. Thaler, 14 F.3d 8, 10 (5th Cir. 1994).

Johnson's brief accompanying his application for IFP on appeal is virtually unintelligible. To the extent that his brief can be comprehended, he argues solely the merits of his underlying claims and fails to intelligibly address the fact that his suit was dismissed for failure to prosecute. Although the Court liberally construes the briefs of pro se appellants, arguments must be briefed to be preserved. Price v. Digital Equip. Corp., 846 F.2d 1026, 1028 (5th Cir. 1988). Generally, claims not argued in the body of the brief are abandoned on appeal, even if the appellant is proceeding pro se. See Yohey v. Collins, 985 F.2d 222, 224-25 (5th Cir. 1993). Moreover, the district court gave Johnson notice that his failure to comply with the order could result in a dismissal for want of prosecution as well as ample time to comply. Because Johnson has failed to provide this Court with any arguments pertaining to the

dismissal of his suit for failure to prosecute, he has not shown that he can present a non-frivolous issue for appeal.

This appeal presents no issue of arguable merit and is thus frivolous. See Howard v. King, 707 F.2d 215, 219-20, (5th Cir. 1983). Because Johnson fails to raise a non-frivolous legal issue for appeal, his motion for IFP is DENIED. Jackson, 811 F.2d at 261. Because the appeal is frivolous, it is DISMISSED. See 5th Cir. R. 42.2.