

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50628  
Conference Calendar

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RUSSELL LEDAL YOUNG,

Plaintiff-Appellant,

versus

FRED HOSKINS, Sheriff;  
JANE DILLARD, Sergeant,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. A-95-CV-603  
- - - - -

June 16, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:\*

Russell Ledal Young, # 656473, has filed an application for leave to proceed in forma pauperis (IFP) on appeal, following the district court's dismissal of his 42 U.S.C. § 1983 complaint as time-barred. By moving for IFP, Young is challenging the district court's certification that IFP should not be granted on appeal because his appeal presents no nonfrivolous issues. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

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\* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

Young's motion to file a supplemental brief is GRANTED. However, Young does not address the statute of limitations issue in his original or his supplemental brief. Because neither brief addresses the basis of the district court's dismissal, it is the same as if the appellant had not appealed the judgment. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). Accordingly, we uphold the district court's order certifying that the appeal presents no nonfrivolous issues. Young's request for IFP status is DENIED, and his appeal is DISMISSED as frivolous. See Baugh, 117 F.3d at 202 n.24; 5th Cir. R. 42.2. Young's motion for summary judgment on appeal is DENIED.

We caution Young that any additional frivolous appeals filed by him or on his behalf will invite the imposition of sanctions. To avoid sanctions, Young is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

IFP DENIED; MOTION TO FILE SUPPLEMENTAL BRIEF GRANTED;  
MOTION FOR SUMMARY JUDGMENT DENIED; APPEAL DISMISSED; SANCTION  
WARNING ISSUED.