

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30609
Conference Calendar

WILLIAM EARL DEGRATE,

Plaintiff-Appellant,

versus

CITY OF MONROE; JOE
STEWART, Chief of Police,
Monroe City Police Dep't;
BOB POWELL, Mayor of the
City of Monroe,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 96-CV-244
- - - - -

April 10, 1998

Before JOLLY, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

William Earl Degrate 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 for failure to state a claim upon which relief could be granted. By moving for IFP, Degrate is challenging the district court's certification that IFP should not be granted on appeal because

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

his appeal is not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997).

Degrade argues that the district court erred in not permitting him to pursue his claims that he was falsely arrested and imprisoned by the arresting officers. Because Degrade did not appeal to the district court the magistrate judge's order denying Degrade's motion to amend his complaint to add the claim against the officers, Degrade has not preserved the issue for appellate review. Colburn v. Bunge Towing, Inc., 883 F.2d 372, 379 (5th Cir. 1989).

Degrade has not shown that he is presenting a nonfrivolous issue on appeal. See 28 U.S.C. § 1915(a). Because Degrade has not demonstrated a nonfrivolous issue for appeal, the appeal is DISMISSED. See Baugh v. Taylor, 117 F.3d 197, 202 n.24 (5th Cir. 1997); 5th Cir. R. 42.2.

APPEAL DISMISSED.