

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60701
Conference Calendar

EDDIE WHITE,

Plaintiff-Appellant,

versus

JAFER N. GHERAIBEH, Dr.,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 96-CV-182
- - - - -

June 17, 1998

Before DAVIS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Eddie White requests permission to proceed in forma pauperis (IFP) on appeal so that he may appeal from the district court's denial of his request to proceed IFP. White's motion for leave to file brief in present form is GRANTED.

To proceed IFP on appeal, White must demonstrate financial eligibility and a nonfrivolous issue for appeal. Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982). An order denying IFP

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is an appealable final decision. Flowers v. Turbine Support Div., 507 F.2d 1242, 1244 (5th Cir. 1975).

White's complaint was subject to dismissal because there is no subject-matter jurisdiction. White relies upon the "Privacy Act of 1974". The Privacy Act of 1974, codified at 5 U.S.C. § 552a, requires agencies to keep accurate "systems of records" on individuals. §§ 552a(a)(5), 552a(e). The Act does not apply to White's private physician.

White has not presented a nonfrivolous issue for appeal. His motion for leave to proceed IFP is DENIED, and the appeal is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

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

APPEAL DISMISSED. SANCTION WARNING ISSUED.