

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20199
Summary Calendar

TIMOTHY ANTHONY REDIC,

Plaintiff-Appellant,

versus

CITY OF HOUSTON,

Defendant-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-171
- - - - -

August 13, 1998

Before DUHÉ, BARKSDALE, and DeMOSS, Circuit Judges.

PER CURIAM:¹

Timothy Anthony Redic, Texas state prisoner # 01429449, has filed an application for leave to proceed in forma pauperis (IFP) on appeal, following the district court's dismissal of his civil rights suit as frivolous and malicious, and its certification that an appeal would be frivolous. By moving for IFP, Redic is challenging the district court's certification that IFP should not be granted on appeal because his appeal is not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Redic has

¹ 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

also filed in this court a motion for appointment of counsel on appeal.

Redic argues that the Houston Police Department discriminated against him by arresting him on the basis of false accusations by prostitutes who were not arrested for prostitution. The facts alleged by Redic were sufficient to establish that there was probable cause for Redic's arrest and that his claim was therefore meritless. See Spiller v. City of Texas City, Police Dep't, 130 F.3d 162, 165 (5th Cir. 1997).

Redic has failed to demonstrate that he is raising a nonfrivolous issue on appeal. We therefore uphold the district court's order certifying that the appeal is not taken in good faith. Redic'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.

Redic's motion for appointment of counsel on appeal is DENIED.

IFP DENIED; MOTION FOR APPOINTMENT OF COUNSEL DENIED; APPEAL DISMISSED.