

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-20430
Conference Calendar

M.R. MIKKILINENI,

Plaintiff-Appellant,

versus

THE CITY OF HOUSTON; THE UNITED STATES
DEPARTMENT OF LABOR, Occupational Safety and Health
Administration; JUAN PADRON; HAROLD DARK; JOHN LAWSON;
ROBIN HORNING; DENIS LLOYD; RUSSELL MAI;
PHILIP BARNARD; GARY ORADAT,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CV-94-H-3552
- - - - -
February 10, 1999

Before BARKSDALE and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

M.R. Mikkilineni, proceeding *pro se*, requests leave to proceed on appeal *in forma pauperis* (IFP) from the dismissal of his motion filed pursuant to Fed. R. Civ. P. 60(b)(6). A movant for IFP on appeal must show that he is a pauper and that he will present a nonfrivolous issue on appeal. See *Carson v. Polley*,

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

689 F.2d 562, 586 (5th Cir. 1982). Mikkilineni has not explained the issues that he intends to raise on appeal and thus, has not made the required showing that he will present a nonfrivolous issue on appeal. See *Carson*, 689 F.2d at 586. Accordingly, the motion for leave to proceed on appeal IFP is DENIED.

Furthermore, Mikkilineni may not obtain an appeal of the final judgment by appealing from the denial of a successive Fed. R. Civ. P. 60(b) motion. See *Burnside v. Eastern Airlines, Inc.*, 519 F.2d 1127, 1128 (5th Cir. 1975).

Mikkilineni's appeal is DISMISSED as frivolous. Mikkilineni is warned that future frivolous appeals will invite the imposition of sanctions. Mikkilineni should review any pending appeals to ensure that they do not raise frivolous arguments.

IFP MOTION DENIED; APPEAL DISMISSED AS FRIVOLOUS; SANCTION WARNING ISSUED.