

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-20355
c/w No. 99-20415
Conference Calendar

MIRELLA LANDI ADELMAN, AS NEXT
FRIEND OF SON DANIEL LINDSEY
ADELMAN,

Plaintiff-Appellant,

versus

NOVARTIS PHARMACEUTICALS CORPORATION;
CLOZARIL NATIONAL REGISTRY,

Defendants-Appellees.

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Appeals from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-4353
- - - - -

October 19, 1999

Before JONES, SMITH, and STEWART Circuit Judges.

PER CURIAM:*

Mirella Adelman, as next friend of her son, Daniel Lindsey Adelman, seeks *in forma pauperis* (IFP) status to appeal the district court's dismissal of her action pursuant to 42 U.S.C. § 1983 and her habeas application. Ms. Adelman has arguably demonstrated that she is a pauper. See Fed. R. App. P. 24(a)(1)(A), (5); Carson v. Polley, 689 F.2d 562, 586 (5th Cir.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1982). However, because Novartis is not a state actor, and Ms. Adelman has not alleged that Novartis conspired with a state actor, she has failed to demonstrate a nonfrivolous issue for appeal of her § 1983 action. See Fed. R. App. P. 24(a)(1)(C); Carson, 689 F.2d at 586; § 1983; Hobbs v. Hawkins, 968 F.2d 471, 479-80 (5th Cir. 1992). As for her habeas application, neither Ms. Adelman nor her son, Daniel, is in prison. Her motion for IFP status is therefore DENIED, and these appeals are DISMISSED as frivolous. See 5th Cir. R. 42.2.

Ms. Adelman's motion for appointment of counsel is DENIED.
APPEALS DISMISSED; MOTIONS DENIED.