

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-30719  
Conference Calendar

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JUSTO E. ROQUE, JR.,

Plaintiff-Appellant,

versus

IMMIGRATION AND NATURALIZATION SERVICE, John B. Z. Caplinger,  
District Director, New Orleans,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 99-CV-1203-D  
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June 14, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:\*

Justo E. Roque, Jr., federal prisoner #36345-004, moves for leave to proceed in forma pauperis (IFP) on appeal, following the district court's certification that his appeal was taken in bad faith. The district court dismissed Roque's civil action for lack of standing.

Roque has failed to offer any legal argument to support his contention that the district court erred by dismissing his action for lack of standing. He has failed to brief the sole dispositive issue for appeal. *Brinkmann v. Dallas County Deputy*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

*Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Moreover, Roque lacked standing to raise his wife's legal rights, see *Coon v. Ledbetter*, 780 F.2d 1158, 1160 (5th Cir. 1986), and, assuming for the sake of argument that he had standing to raise his childrens' legal rights, the district court lacked jurisdiction to entertain his civil action. *Humphries v. Various Federal USINS Employees*, 164 F.3d 936, 942 (5th Cir. 1999). Because Roque has failed to brief the sole relevant issue for appeal, and because his appeal is frivolous on other grounds, his IFP motion is denied and the appeal is dismissed as frivolous. 5TH CIR. R. 42.2.

The dismissal of the appeal as frivolous count as a "strike" for purposes of 28 U.S.C. § 1915(g). See *Adepegba v. Hammons*, 103 F.3d 383, 385-87 (5th Cir. 1996). Roque is CAUTIONED that if he accumulates three "strikes" under § 1915(g), he will not be able to proceed IFP in any civil action or appeal filed while he is incarcerated or detained in any facility unless he is under imminent danger of serious physical injury. See § 1915(g).

IFP DENIED; APPEAL DISMISSED; SANCTIONS WARNING ISSUED.