

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-40145  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARIO ALBERTO ORTIZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. L-94-CR-129-1  
USDC No. L-94-CR-157-1  
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October 19, 1999

Before JONES, SMITH, and STEWART, Circuit Judges.

PER CURIAM:\*

Mario Alberto Ortiz, federal prisoner # 67085-079, seeks leave to proceed *in forma pauperis* (IFP) on appeal of the dismissal of his motion to correct his sentence. By moving for IFP, Ortiz is challenging the district court's certification that IFP status 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). Ortiz argues that his motion to correct sentence was brought under 18 U.S.C. § 3742(a)(2). That section

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

states the standard of review of a sentence on direct appeal. It does not authorize a separate motion to correct a sentence. Because Ortiz has not demonstrated that he will raise a nonfrivolous issue on appeal, his motion to proceed IFP is DENIED. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2.

IFP MOTION DENIED; APPEAL DISMISSED.