

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-51038  
Conference Calendar

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ARTHUR GLEN BROWN,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director, Texas Department of Criminal Justice,  
Institutional Division; FNU BENSON, Officer; FNU CREIG,  
Lieutenant; FNU TEDFORD, Major; FNU BUNGER, Sergeant,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-99-CV-266  
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April 13, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:\*

Arthur Glen Brown, Texas prisoner # 575490, has filed a motion for leave to proceed in forma pauperis ("IFP") on appeal. By moving to proceed IFP, Brown is challenging the district court's determination that IFP should not be granted on appeal because his appeal from the district court's denial of his motion for appointment of counsel was not taken in good faith. See Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Our review of the record and pleadings indicates that the district court did

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

not abuse its discretion in denying Brown's motion for the appointment of counsel. Brown's appeal from the denial of that motion lacks arguable merit, and the district court did not err in finding that the instant appeal was not taken in good faith. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983)(lack of nonfrivolous issue on appeal precludes finding of "good faith" for purposes of § 1915 and FED. R. APP. P. 24).

Accordingly, Brown's motion for leave to proceed IFP on appeal is DENIED, and his appeal is DISMISSED as frivolous. See Baugh, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. His motion to appoint a special master is also DENIED.