

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

March 25, 2011

Lyle W. Cayce
Clerk

No. 10-10503
Summary Calendar

DAVID LYND,

Plaintiff-Appellant

v.

MCDONALD'S CORPORATION,

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:00-CV-1452

Before HIGGINBOTHAM, SMITH and HAYNES, Circuit Judges.

PER CURIAM:*

David Lynd moves this court for authorization to proceed in forma pauperis (IFP) in this appeal from the denial of his FED. R. CIV. P. 60(b) motion. Lynd asserts that he is impoverished, that his claims are valid, and that the magistrate judge was biased. These allegations are insufficient to show that Lynd will raise a nonfrivolous issue on appeal. *See Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). Consequently, his IFP motion is DENIED and this

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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appeal is DISMISSED as frivolous. *See* 5TH CIR. R. 42.2. All other outstanding motions are likewise DENIED.