

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

No. 18-11313
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

April 9, 2019

Lyle W. Cayce
Clerk

RUBEN L. DOBBINS,

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL
JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:17-CV-679

Before OWEN, WILLETT, and OLDHAM, Circuit Judges.

PER CURIAM:*

Ruben L. Dobbins, Texas prisoner # 319203, moves for leave to proceed in forma pauperis (IFP) in his appeal of the district court's order transferring his 28 U.S.C. § 2254 petition as an unauthorized successive. The district court denied Dobbins's IFP motion.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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In his brief, Dobbins argues only the merits of his ineffective assistance of counsel claim. Although pro se filings are liberally construed, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), an appellant’s failure to identify any error in the district court’s legal analysis is “the same as if he had not appealed that judgment.” *Coleman v. Lincoln Parish Det. Ctr.*, 858 F.3d 307, 309 n.9 (quoting *Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987)). Because Dobbins has not identified any error in the district court’s transfer order, we “deem that challenge to have been abandoned.” *Hernandez v. Thaler*, 630 F.3d 420, 426 n.24 (5th Cir. 2011).

Because Dobbins abandoned the only issue raised on appeal, he has failed to show that this appeal involves legal points arguable on their merits. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Dobbins’s motion to proceed IFP is DENIED, and this appeal is DISMISSED as frivolous. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997); 5TH CIR. R. 42.2.