

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

No. 18-20588
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

March 25, 2019

Lyle W. Cayce
Clerk

EMMANUEL ADWALE ADEYINKA,

Plaintiff-Appellant

v.

HOUSTON TEXAS DEPARTMENT OF PUBLIC SAFETY,

Defendant-Appellee

Appeals from the United States District Court
for the Southern District of Texas
USDC No. 4:18-CV-2753

Before JONES, ELROD, and ENGELHARDT, Circuit Judges.

PER CURIAM:*

Emmanuel Adwale Adeyinka moves for leave to proceed in forma pauperis (IFP) in his appeal from the dismissal of his 42 U.S.C. § 1983 complaint as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). His “Motion of Content,” which does not seek any relief from this court, is DENIED. By seeking leave to proceed IFP in this court, Adeyinka is challenging the district court’s denial of leave to proceed IFP and certification that his appeal would

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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be frivolous and not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into an appellant's good faith "is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks and citation omitted).

In his brief and other submissions to this court, Adeyinka does not challenge the district court's reasons for dismissing his complaint as malicious or denying him leave to proceed IFP on appeal. Even pro se litigants must brief arguments in order to preserve them. *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). By failing to identify any error in the district court's analysis, it is the same as if Adeyinka had not appealed the dismissal of his complaint as frivolous. *See Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). The appeal therefore lacks arguable merit and is frivolous. *See Howard*, 707 F.2d at 220.

Accordingly, Adeyinka's request for leave to proceed IFP on appeal is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; *see also* 5TH CIR. R. 42.2.