

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 8, 2024

Lyle W. Cayce
Clerk

No. 24-20225
Summary Calendar

ROBERT E. PROSPER,

Plaintiff—Appellant,

versus

CITY OF HOUSTON; S.T. KEENE, *Officer*; K.R. HAVERSTROM,
Officer,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:23-CV-2603

Before SMITH, GRAVES, and ENGELHARDT, *Circuit Judges.*

PER CURIAM:*

Robert E. Prosper moves for leave to proceed in forma pauperis (IFP) on appeal from the dismissal of his 42 U.S.C. § 1983 complaint as frivolous. By moving to proceed IFP, Prosper challenges the district court's certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry "is limited to whether the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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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 citations omitted).

Insofar as Prosper contends that the district court erred by dismissing as *Heck*-barred his claim that officers made false statements in a police report in violation of his Fourteenth Amendment rights, his assertion is without arguable merit. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Prosper has failed to identify any error in the district court’s reasoning for dismissing his remaining claims, and he has therefore abandoned any challenge to their dismissal. *See Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because he has failed to identify any issue of arguable merit, Prosper’s motion to proceed IFP is DENIED, and his appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; *Howard*, 707 F.2d at 220; *see also* 5TH CIR. R. 42.2.