

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 25, 2022

Lyle W. Cayce
Clerk

No. 20-20511
Summary Calendar

RICHARD VINCENT LETIZIA,

Petitioner—Appellant,

versus

BOBBY LUMPKIN, *Director, Texas Department of Criminal Justice,*
Correctional Institutions Division,

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:19-CV-2834

Before SOUTHWICK, GRAVES, and COSTA, *Circuit Judges.*

PER CURIAM:*

Richard Vincent Letizia, Florida DOC # K69277, has applied for leave to proceed in forma pauperis (IFP) for an appeal from the dismissal of his application for a writ of habeas corpus challenging his confinement under a

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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governor's warrant for extradition to Florida. The district court determined that the habeas application was moot.

By moving this court for leave to proceed IFP, Letizia is challenging the district court's determination that his appeal is not taken in good faith. *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). A motion for leave to proceed IFP on appeal "must be directed solely to the trial court's reasons for the certification decision." *Id.* This court's inquiry into 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 citations omitted).

Letizia argues the merits of his constitutional claims only, and he makes no argument with respect to the district court's determination that those claims have been mooted by his extradition to Florida. Letizia has not shown that his appeal involves a nonfrivolous issue. *See Baugh*, 117 F.3d at 202; *Howard*, 707 F.2d at 220. The motion for leave to proceed IFP on appeal is DENIED, and the appeal is DISMISSED AS FRIVOLOUS. *See* 5TH CIR. R. 42.2; *Baugh*, 117 F.3d at 202 n.24.