

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

May 24, 2021

Lyle W. Cayce  
Clerk

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No. 21-30109  
Summary Calendar

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JUNIUS LEE ROMAN, JR.,

*Plaintiff—Appellant,*

*versus*

DRAPPER ANTHONY; LOYCE ANTHONY; TANGALA ROBERTSON;  
IBERIA MEDICAL HOSPITAL,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 6:20-CV-1083

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Before CLEMENT, ELROD, and HAYNES, *Circuit Judges.*

PER CURIAM:\*

Junius Lee Roman, Jr., a pretrial detainee (jail identification # 004122 and former Louisiana prisoner # 337840), has filed a motion for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-30109

of his pro se 42 U.S.C. § 1983 complaint as frivolous and for failure to state a claim. He is essentially challenging 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); 28 U.S.C. § 1915; FED. R. APP. P. 24(a)(3).

Roman alleges that he was transported to Iberia Medical Hospital after inmate Drapper Anthony attacked him. He maintains that Anthony and his relative, Loyce Anthony, bribed a nurse practitioner at the hospital, Tangala Robertson, to implant a computer chip into his head while he was unconscious. He contends that he has been unable to acquire evidence to confirm the existence of the device, which Drapper has used to hack into the functions of his nervous system.

The allegations of Roman are frivolous. *See Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). Also, Roman has not established that his complaint sets forth a facially plausible claim for relief because he has failed to allege facts or assert any argument addressing whether the defendants acted under color of state law. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Landry v. A-Able Bonding, Inc.*, 75 F.3d 200, 203-04 (5th Cir. 1996); *see also Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Accordingly, Roman has failed to show that his appeal involves any arguably meritorious issues. *See Howard v. King*, 707 F.2d 215, 220-21 (5th Cir. 1983). We therefore DENY his IFP motion and DISMISS the appeal as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.