

United States Court of Appeals
for the Fifth Circuit

No. 22-40172
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2023

Lyle W. Cayce
Clerk

IN THE MATTER OF FEYSAL AYATI-GHAFFARI

Debtor,

FEYSAL AYATI-GHAFFARI,

Appellant,

versus

JP MORGAN CHASE BANK, N.A.; CAREY D. EBERT,

Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:21-CV-326

Before HIGGINBOTHAM, DUNCAN, and WILSON, *Circuit Judges.*

PER CURIAM:*

Feysal Ayati-Ghaffari moves for leave to proceed in forma pauperis (IFP) in this appeal from the district court's affirmance of rulings by the

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

No. 22-40172

bankruptcy court on two motions and an objection to the trustee's final report. The bankruptcy court based these rulings on the fact that Ayati-Ghaffari's case had been dismissed and his bankruptcy estate no longer existed. The district court found that Ayati-Ghaffari's arguments were barred by the doctrine of res judicata.

By moving to proceed IFP, Ayati-Ghaffari 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); 28 U.S.C. § 1915(a)(3). Good faith is demonstrated when a party seeks review of a nonfrivolous issue, meaning one involving legal points that are arguable on the merits. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

Although we construe pro se filings liberally, even pro se litigants must brief arguments to preserve them. *Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Ayati-Ghaffari has not briefed, and has therefore abandoned, any challenge to the substance of the rulings appealed. *See id.* at 224-25. He therefore fails to show a nonfrivolous issue, and the merits of this appeal are so intertwined with the certification decision as to constitute the same issue. Accordingly, Ayati-Ghaffari's IFP motion is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.