

United States Court of Appeals for the Fifth Circuit

No. 25-20303

United States Court of Appeals

Fifth Circuit

FILED

January 28, 2026

MARK AUDWIN BROWN,

Lyle W. Cayce
Clerk

Plaintiff—Appellant,

versus

DANIEL K. CHISM; ANTHONY MARQUIS FARMER,

Defendants—Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:20-CV-4361

Before GRAVES, HO, and DOUGLAS, *Circuit Judges.*

PER CURIAM:*

Mark Audwin Brown, a Texas state pretrial detainee, seeks to proceed in forma pauperis (IFP) on appeal from the denial of his motion to reopen the time to file an appeal from the dismissal of his civil complaint. The district court denied the motion on the basis that Brown failed to cite any authority providing the district court with the ability to reopen an appeal that has been dismissed by our court for want of prosecution. Brown's IFP

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

No. 25-20303

motion is a challenge to the district court's certification that any appeal would not be taken in good faith because Brown will not present a nonfrivolous appellate issue. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Brown has not alleged that he did not receive notice of the underlying judgment; to the contrary, he previously appealed it. *See* 28 U.S.C. § 2107(c)(1); FED. R. APP. P. 4(a)(6). Thus, he fails to demonstrate a nonfrivolous issue with respect to the district court's denial of his motion to reopen the time to file an appeal. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). His motion to proceed IFP on appeal is therefore DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.