

United States Court of Appeals for the Fifth Circuit

No. 25-30760
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 24, 2026

Lyle W. Cayce
Clerk

FRED JOHNSON; TERRY MAYS,

Plaintiffs—Appellants,

versus

PATRICK PAGE CORTEZ, *President of the Senate of the Louisiana
Legislature of the State of Louisiana*; CLAY SCHEXNAYDER, *Speaker of the
House of Representatives of the Louisiana Legislature of the State of Louisiana*;
JOHN BEL EDWARDS, *Governor of the State of Louisiana*,

Defendants—Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:23-CV-1542

Before JONES, HO, and ENGELHARDT, *Circuit Judges*.

PER CURIAM:*

Fred Johnson, Louisiana prisoner # 133017, and Terry Mays, Louisiana prisoner # 108167, move for leave to proceed in forma pauperis (IFP) in their appeal of the district court's sua sponte dismissal of their

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

No. 25-30760

complaint for failure to state a claim. The motion is a challenge to the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Johnson and Mays argue only that the district court denied them the opportunity to seek reconsideration of the orders that denied their respective applications to proceed IFP on appeal by failing to provide them with the order denying IFP status. They fail to make the requisite showing that they will present a nonfrivolous argument for appeal. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

Because Johnson and Mays have otherwise failed to meaningfully challenge any factual or legal aspect of the district court's disposition of their claims and dismissal of their complaint, they have abandoned the critical issue of their appeal. *See Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Thus, the appeal lacks arguable merit. *See Howard*, 707 F.2d at 220. Accordingly, Johnson's and Mays's respective motions for leave to proceed IFP are DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.

The district court's dismissal of Johnson's and Mays's complaint for failure to state a claim and this court's dismissal of this appeal as frivolous count as strikes for purposes of 28 U.S.C. § 1915(g). *See Adepegba v. Hammons*, 103 F.3d 383, 388 (5th Cir. 1996), *abrogated in part on other grounds by Coleman v. Tollefson*, 575 U.S. 532, 537 (2015). Johnson and Mays are both WARNED that if either of them accumulates three strikes, they will not be permitted to proceed IFP in any civil action or appeal filed while incarcerated or detained in any facility unless they are under imminent danger of serious physical injury. *See* 28 U.S.C. § 1915(g).