

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-50247  
Summary Calendar

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MACK B. YATES,

Plaintiff-Appellant,

versus

DAVID MOYA, Etc., ET AL

Defendants,

FRED TADLOCK, Sergeant;  
JASON SHELTON,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-96-CV-188  
- - - - -

July 12, 2000

Before JOLLY, DAVIS and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Mack B. Yates, federal prisoner #353752, has filed a motion to proceed *in forma pauperis* (IFP) in his appeal of the jury verdict denying relief on his 42 U.S.C. § 1983 complaint. By moving for IFP, Yates is challenging the district court's certification that IFP status should not be granted on appeal because his appeal is not taken in good faith. See *Baugh v.*

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\* Pursuant to 5<sup>TH</sup> CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5<sup>TH</sup> CIR. R. 47.5.4.

Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Because Yates' appeal presents no nonfrivolous appellate issues, his motion is DENIED, and the appeal is DISMISSED. See Baugh, 117 F.3d at 202 and n.24; 5th Cir. R. 42.2.