

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-21110
Conference Calendar

GERRARDO CARRILLO,

Plaintiff-Appellant,

versus

J.A. DESANTO, Houston Police Department; CLARENCE BRADFORD,
Police Chief; CITY OF HOUSTON; DAVID C. ZAHARIS; JOHN A. JACKSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-98-CV-4023

August 21, 2002

Before HIGGINBOTHAM, DAVIS, and PARKER, Circuit Judges.

PER CURIAM:*

Gerrardo Carrillo moves for leave to proceed *in forma pauperis* ("IFP") to appeal the district court's denial of his motion for a three-judge panel and the lack of a neutral judge. See FED. R. APP. P. 24(a)(5). Because Carrillo has not shown that he will present a nonfrivolous issue, his motion to proceed IFP is DENIED. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982) (movant must show that he is a pauper and that he will present a nonfrivolous issue on appeal). In addition, the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

instant appeal is without arguable merit and is frivolous; accordingly, it is DISMISSED. See 5TH CIR. R. 42.2.

MOTION TO PROCEED IFP DENIED; ALL OTHER PENDING MOTIONS DENIED; APPEAL DISMISSED.