

August 5, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-11277  
Summary Calendar

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JOHN T. ESPINOZA,

Plaintiff-Appellant,

versus

ARLINGTON NATIONAL BANK,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:03-CV-574-Y  
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Before JOLLY, HIGGINBOTHAM, and PICKERING, Circuit Judges.

PER CURIAM:\*

John T. Espinoza has filed a motion for leave to proceed *in forma pauperis* ("IFP") on appeal following the district court's order dismissing his civil action for failure to comply with a court order requiring him to file an amended complaint. By moving for leave to proceed IFP, Espinoza is challenging the district court's certification that IFP should not be granted on appeal because his appeal is not taken in good faith. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Espinoza has not made a meritorious challenge to the district court's denial of IFP and has not shown that he will raise a nonfrivolous issue on appeal. See 28 U.S.C. § 1915(a)(3). Espinoza's request for IFP status is DENIED, and his appeal is DISMISSED as frivolous. See *Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2. All of Espinoza's other outstanding motions are likewise DENIED.

Espinoza is also cautioned that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Espinoza should review any newly filed appeals to ensure that they are not frivolous.

IFP MOTION AND ALL OTHER OUTSTANDING MOTIONS DENIED. APPEAL DISMISSED. SANCTIONS WARNING GIVEN.