

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

February 19, 2008

Charles R. Fulbruge III
Clerk

No. 07-10878
Summary Calendar

RAMON DEL CAMPO

Plaintiff-Appellant

v.

DCS SANITATION MANAGEMENT INC

Defendant-Appellee

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:07-CV-114

Before WIENER, GARZA, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Ramon Del Campo has applied for leave to proceed in forma pauperis (IFP) in this interlocutory appeal from the denial of his motion for appointment of counsel in the district court. Del Campo seeks appointment of counsel on appeal. Del Campo has shown no exceptional circumstances that warrant an appointment. Del Campo's motion for appointment of counsel on appeal is denied.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

“Under 28 U.S.C. § 1915(a), a federal court may refuse to certify an appeal for in forma pauperis status if it is not taken in good faith.” *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Del Campo’s IFP motion is construed as a challenge of the certification decision. See *Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). The court’s inquiry into whether the appeal is taken in good faith “is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous).” *Id.* at 220 (quotation marks omitted). Del Campo provides no legal argument to show that the district court erred in denying his motion for appointment of counsel.

The motion for leave to proceed IFP on appeal is denied. Del Campo’s appeal is without arguable merit, and is dismissed as frivolous. See 5TH CIR. R. 42.2; *Howard*, 707 F.2d at 219-20 (5th Cir. 1983).

APPOINTMENT OF COUNSEL DENIED; IFP DENIED; APPEAL DISMISSED.