

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 19, 2007

Charles R. Fulbruge III
Clerk

No. 07-50130
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JASON GIL

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:00-CR-457-3

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Jason Gil, federal prisoner # 12794-180, moves this court for leave to proceed in forma pauperis (IFP) on appeal following the district court's denial of his motion seeking to re-open his direct appeal period. The district court determined that Gil's motion was unauthorized and untimely.

Pursuant to Fed. R. App. P. 24(a), this court may entertain a motion to proceed IFP when the litigant has been denied leave to proceed IFP by the district court. To proceed IFP, Gil must demonstrate financial eligibility and a

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

nonfrivolous issue for appeal. FED. R. APP. P. 24(a); *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982).

Gil has filed a brief addressing the merits of various claims relating to the validity of his conviction and sentence. He has not, however, briefed the basis for the district court's denial of his motion, and that issue is therefore abandoned. See *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993); *Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because Gil fails to show that he will raise a nonfrivolous issue on appeal, his motion to proceed IFP is denied. See Rule 24(a); *Carson*, 689 F.2d at 586. The appeal is without merit and is dismissed as frivolous. See *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

MOTION FOR IFP DENIED; APPEAL DISMISSED.