

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-30519

United States Court of Appeals
Fifth Circuit

FILED

December 15, 2014

Lyle W. Cayce
Clerk

GREGORY NAVARRE,

Plaintiff-Appellant

v.

JAMES LEBLANC; N. BURL CAIN; NATHANIEL JOHNSON, Lieutenant;
MARK BRIGGS, Master Sergeant; D. FOSTER, Sergeant,

Defendants-Appellees

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:13-CV-555

Before DAVIS, CLEMENT, and COSTA, Circuit Judges.

PER CURIAM:*

Gregory Navarre, Louisiana prisoner # 87501, seeks authorization to proceed in forma pauperis (IFP) in his appeal of the district court's order granting the defendants' motion for summary judgment and dismissing his 42 U.S.C. § 1983 complaint. Navarre argues that the district court mischaracterized the summary judgment evidence and that there is a genuine

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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dispute with respect to material issues regarding the defendants' deliberate indifference to their duty to protect him from injury by other inmates.

The evidence presented does not reflect that the defendants acted with deliberate indifference to Navarre's right to be protected from a substantial risk of harm at the hand of other inmates. *See Farmer v. Brennan*, 511 U.S. 825, 833 (1994). Navarre failed to raise a genuine dispute with respect to any material facts that precluded the district court's grant of summary judgment. *See* FED. R. CIV. P. 56(a). Navarre has failed to raise an issue of arguable merit. Consequently, we may dismiss this frivolous appeal sua sponte. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2.

Navarre's motion to proceed IFP is DENIED, and the appeal is DISMISSED.