

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50185
Summary Calendar

ROI LE' SHILOH-BRYANT,

Plaintiff-Appellant,

versus

ALAN POLUNSKY, Texas Department of Criminal Justice Chairman,
Individually and in his Official Capacity; JOHN VANDERWERFF,
Texas Department of Criminal Justice, Institutional Division,
Internal Affairs Division, Captain Individually and in his
Official Capacity; GINNA DEBOTTIS, Texas Department of Criminal
Justice Institutional Division, Special Prosecution Unit, Special
Prosecutor, Individually; ANTHONY BANTA, Texas Department of
Criminal Justice Guard, Individually and in his Official
Capacity; CHAD GRIFFITH, Texas Department of Criminal Justice
Guard, Individually and in his Official Capacity; CAROLYN
POLLARD, Individually,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. W-97-CV-277
- - - - -
September 30, 1998

Before KING, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:*

Roi Le' Shiloh-Bryant, Texas prisoner No. 354415, has filed
an application for leave to proceed in forma pauperis (IFP) on
appeal, following the district court's dismissal of his civil
rights suit for failure to state a claim, and its determination

* 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that this opinion should not be published and is not precedent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.

that an appeal would be frivolous. By moving for IFP, Shiloh-Bryant is challenging the district court's determination 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). Shiloh-Bryant has also filed in this court a motion for appointment of counsel on appeal.

Shiloh-Bryant argues that the district court erred by applying Heck v. Humphrey** to his claims of malicious prosecution; that claims dismissed pursuant to Heck should not have been dismissed with prejudice; that Coryell County, Texas, Assistant District Attorney Ginna Debottis was not authorized to seek his indictment on state charges; and that he has stated a cause of action for denial of access to the courts against Coryell County Deputy Clerk of Court Carolyn Pollard.

Shiloh-Bryant has failed to demonstrate that he is raising a nonfrivolous issue on appeal. We uphold the district court's determination that the appeal is not taken in good faith. Shiloh-Bryant's motions for IFP status and appointment of counsel are DENIED, and his appeal is DISMISSED as frivolous. See Baugh, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.

Shiloh-Bryant is cautioned that the filing of any additional frivolous lawsuits or appeals will result in his being barred from proceeding IFP pursuant to the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

** 512 U.S. 477 (1994).

No. 98-50185

-3-

MOTIONS FOR IFP AND APPOINTMENT OF COUNSEL DENIED; APPEAL
DISMISSED. 5TH CIR. R. 42.2.