

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40676
Summary Calendar

STEVEN HANES; GWYN HANES; CLAY HANES,

Plaintiffs-Appellants,

v.

DAN GLICKMAN, Secretary of Agriculture;
UNITED STATES DEPARTMENT OF AGRICULTURE; ASCS,
AGRICULTURAL, STABILIZATION, CONSERVATION SERVICE,
FARM SERVICE AGENCY,

Defendants-Appellees.

STEVEN HANES; GWYN HANES; CLAY HANES,

Plaintiffs-Appellants,

v.

DAN GLICKMAN, Secretary of Agriculture;
UNITED STATES DEPARTMENT OF AGRICULTURE;
CAROLYN A. BURCHETT, Individually and in her
official capacity as Director of National
Appeals Division ASCS, now FSA,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 5:95-CV-76
USDC No. 5:97-CV-190

August 18, 2000

Before JONES, BARKSDALE, and DENNIS, Circuit Judges.

PER CURIAM:*

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Steven Hanes, Gwyn Hanes, and Clay Hanes, proceeding *pro se*, request leave to proceed *in forma pauperis* (IFP) in the appeal of the district court's dismissal pursuant to Fed. R. Civ. P. 41(b) of their complaint. This court previously denied without prejudice the appellants' motion for leave to proceed IFP, instructing appellants that they were required to file affidavits to show that they are unable to pay the filing fee and that they were required to show that they would present a nonfrivolous issue on appeal. See *Carson v. Polley*, 689 F.2d 562, 586 (5th Cir. 1982). The appellants have failed to make the required showing. Accordingly, the appellants' motion for leave to proceed IFP is DENIED and the appeal is DISMISSED.

MOTION DENIED. APPEAL DISMISSED.