

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

United States Court of Appeals
Fifth Circuit

FILED

November 13, 2018

Lyle W. Cayce
Clerk

No. 18-50390
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROSARIO DIVINS,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 5:08-CR-889-1

Before SMITH, HIGGINSON, and DUNCAN, Circuit Judges.

PER CURIAM:*

Rosario Divins, federal prisoner # 30034-280, seeks leave to proceed in forma pauperis (IFP) on appeal from the denial of her Federal Rule of Criminal Procedure 36 motion to correct a clerical error. By moving to proceed IFP, Divins is challenging the district court's certification decision that her appeal was not taken in good faith because it is frivolous. *See Baugh v. Taylor*, 117

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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F.3d 197, 202 (5th Cir. 1997). Divins's motion to file a supplemental brief is GRANTED.

Divins does not address the district court's reasons for denying her IFP motion or her Rule 36 motion. When an appellant fails to identify any error in the district court's analysis, it is the same as if the appellant had not appealed that issue. *Brinkmann v. Dallas Cty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987); *see also* FED. R. APP. P. 28(a)(8). Thus, Divins's motion to proceed IFP is DENIED, and her appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. Divins is WARNED that filing repetitive or frivolous pleadings in this court could result in the imposition of sanctions. These sanctions may include dismissal, monetary sanctions, and restrictions on her ability to file pleadings in this court and any court subject to this court's jurisdiction.