

United States Court of Appeals
Fifth Circuit

FILED

October 24, 2006

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-20453
Conference Calendar

HAYWOOD MACK ROSS,

Plaintiff-Appellant,

versus

LAMAR CONSOLIDATED INDEPENDENT SCHOOL DISTRICT; BOARD OF TRUSTEES; MICHAEL RICHARD; JACK CHRISTIANA; MARY LOU DUJKA; SAM HOPKINS; KATHY HYNSON; JULIE THOMPSON; JESSE TORRES; THOMAS RANDLE, Dr. Thomas Randle, Superintendent; EXECUTIVE DIRECTOR HUMAN RESOURCES; JUDY ADAMSON; LISA McKEY; KAREN MUMPHORD; PHYLLIS DAVIDSON,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:06-CV-162

Before JOLLY, DeMOSS, and STEWART, Circuit Judges.

PER CURIAM:*

Haywood Mack Ross appeals from the district court's order denying his motion to proceed in forma pauperis (IFP) in the district court with a pro se complaint pursuant to the Americans With Disabilities Act, 42 U.S.C. § 12101.

Ross's appellate brief is directed to his current economic status rather than his status at the time he sought to proceed

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

IFP in the district court. He has not briefed a direct challenge to the district court's ruling. This is the same as if he had not appealed that ruling. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

In any event, the district court did not abuse its discretion in denying Ross's IFP application. See Flowers v. Turbine Support Div., 507 F.2d 1242, 1244 (5th Cir. 1975); Adkins v. E. I. DuPont de Nemours & Co., 335 U.S. 331, 339-40 (1948). At that time, Ross purportedly had \$3,250 in savings and checking accounts and was receiving more than \$2,000 monthly in various benefits.

Ross's appeal is without merit and is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, the appeal is DISMISSED. 5TH CIR. R. 42.2.