

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

United States Court of Appeals  
Fifth Circuit

**FILED**

February 18, 2009

\_\_\_\_\_  
No. 08-50154  
Conference Calendar  
\_\_\_\_\_

Charles R. Fulbruge III  
Clerk

MIGUEL HINOJOSA

Plaintiff-Appellant

v.

JASON GREVE; JOSE C ABREGO; M CHAPPELL; S MITCHELL; D HERMAN

Defendants-Appellees

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:07-CV-414  
\_\_\_\_\_

Before HIGGINBOTHAM, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Miguel Hinojosa, Texas prisoner # 840997, moves this court for leave to proceed in forma pauperis (IFP) on appeal from the district court's dismissal without prejudice of his 42 U.S.C. § 1983 suit for improper venue. Hinojosa challenges the district court's denial of IFP and its certification that his appeal was not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Hinojosa's pleadings in this court address only his financial eligibility to appeal. He has therefore abandoned any challenge to the reasons for the district court's dismissal of his § 1983 suit. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993). Thus, Hinojosa has failed to show that his appeal involves "legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). His motion to proceed IFP on appeal is denied, and the appeal is dismissed as frivolous. *See* 5TH CIR. R. 42.2.

Moreover, we note that, during the pendency of this appeal, the district court barred Hinojosa from proceeding IFP pursuant to 28 U.S.C. § 1915(g) unless he is under imminent danger of serious physical injury. *See Hinojosa v. Ivy*, No. 6:07-cv-00022 (W.D. Tex. Oct. 6, 2008). Hinojosa has not filed an appeal in that case. Thus, we caution Hinojosa that he is barred under § 1915(g) from bringing a civil action or an appeal from a judgment in a civil action or proceeding under § 1915 unless he is under imminent danger of serious physical injury.

IFP DENIED; APPEAL DISMISSED; IMPOSITION OF 28 U.S.C. § 1915(g) BAR NOTED.