

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

United States Court of Appeals
Fifth Circuit

F I L E D

October 27, 2010

No. 08-50593
Summary Calendar

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOSEPH DANIEL CROSBY, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
No. 6:04-CR-25-ALL

Before DAVIS, SMITH, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Joseph Crosby, Jr., federal prisoner # 36119-180, pleaded guilty of possession with intent to distribute more than 50 grams of crack cocaine within 1,000

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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feet of a school, in violation of 21 U.S.C. §§ 841 and 860. He moves for leave to proceed *in forma pauperis* (“IFP”) in this appeal from an order granting his *pro se* 28 U.S.C. § 3582(c)(2) motion for sentence reduction based on the retroactive amendment to the crack cocaine guideline.

By moving for IFP, Crosby is challenging the district court’s certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Crosby, however, asserts only that he is entitled to proceed IFP on appeal because he is a pauper; he makes no argument that his appeal involves any nonfrivolous issue. Because of his failure to brief them, he has abandoned his district-court claims and any challenge to the district court’s certification. *See Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1983); *Brinkmann v. Dallas Cnty. Sheriff Abner*, 813 F.3d 744, 748 (5th Cir. 1987).

The appeal lacks any issue of arguable merit. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983); *Baugh*, 117 F.3d at 202. It is therefore DISMISSED as frivolous. *Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2. The motion to proceed IFP is DENIED. *See Baugh*, 117 F.3d at 202 n.24. Crosby’s motion for appointment of counsel is likewise DENIED.