

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

United States Court of Appeals  
Fifth Circuit

**FILED**

March 8, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-50512

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

BOBBY BENTON LADD,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:06-CR-107-1  
\_\_\_\_\_

Before JOLLY, DAVIS, and PRADO, Circuit Judges.

PER CURIAM:\*

Bobby Benton Ladd, federal prisoner # 56834-180, moves this court for leave to proceed in forma pauperis (IFP) on appeal from the district court's denial of his post-judgment motions for recusal and for clarification of the record in a proceeding under 18 U.S.C. § 3582(c)(2). By moving to proceed IFP, he is challenging the district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); FED. R. APP. P. 24(a)(5).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 12-50512

Ladd argues that the district court did not follow the proper procedure in analyzing his § 3582 motion, but his brief does not address the merits of the motion for clarification or the motion for recusal. He fails to address the district court's certification that his appeal was not taken in good faith, or the district court's reasons for its certification decision. *See Baugh*, 117 F.3d at 202. Accordingly, his challenge to the certification decision is deemed abandoned. *See Brinkmann v. Dallas County Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Ladd has not shown 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) (internal quotation marks and citation omitted). The motion for leave to proceed IFP on appeal is denied, and the appeal is dismissed as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.

IFP DENIED; APPEAL DISMISSED.