

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

No. 16-41158

United States Court of Appeals
Fifth Circuit

FILED
August 4, 2017

Lyle W. Cayce
Clerk

In the Matter of: CLOVIS PRINCE,

Debtor

CLOVIS PRINCE,

Appellant

v.

MICHELLE CHOW; WAYNE STONE; LARRY ALAN LEVICK; TODD ALAN
HOODENPYLE; MATTHEW M. RYAN,

Appellees

CLOVIS PRINCE

Appellant

v.

MICHELLE H. CHOW, Trustee; WAYNE STONE; MATTHEW M. RYAN,

Appellees

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:15-CV-417
USDC No. 4:16-CV-30

Before JOLLY, SMITH, and HAYNES, Circuit Judges.

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PER CURIAM:*

Clovis Prince moves to proceed in forma pauperis (IFP) on appeal from the district court's dismissal of his consolidated appeals from the bankruptcy court's orders of dismissal entered in two adversary proceedings. He 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).

Prince's conclusional assertions of error by the district court, without citation to the record or cogent legal argument, do not show that his appeal involves legal points arguable on their merits and that it is not frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Although pro se briefs are liberally construed, *Haines v. Kerner*, 404 U.S. 519, 520 (1972), even pro se litigants must brief arguments in order to preserve them, *Yohey v. Collins*, 985 F.2d 222, 224-25 (5th Cir. 1993). Accordingly, Prince has not shown any error in the dismissal of his consolidated appeals from the bankruptcy court on account of his failure to pay the filing fees. Nor has he shown any error in the district court's determination that his claims are in essence a collateral attack on the valid and binding summary judgment issued by the bankruptcy court, avoiding the fraudulent transfers of certain real property.

Because the district court did not err in determining that the appeal was not taken in good faith, the motion to proceed IFP on appeal is DENIED. *See Baugh*, 117 F.3d at 202. As Prince's appeal is without arguable merit, *see Howard*, 707 F.2d at 220, it is DISMISSED as frivolous, *see* 5TH CIR. R. 42.2. Prince's alternative request to withdraw his appeal without prejudice is

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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DENIED. The motion to dismiss, incorporated in the response filed by Wayne Stone and Matthew M. Ryan, is DENIED as unnecessary.