

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

United States Court of Appeals
Fifth Circuit

FILED

December 10, 2018

Lyle W. Cayce
Clerk

No. 18-30745

JERRELL MARSHALL,

Plaintiff - Appellant

v.

DEPARTMENT OF CORRECTIONS; JAMES M. LEBLANC; JERRY
GOODWIN; KEVIN WYLES,

Defendants - Appellees

Appeals from the United States District Court
for the Western District of Louisiana
USDC No. 3:18-CV-576

Before SMITH, HIGGINSON, and DUNCAN, Circuit Judges.

PER CURIAM:*

Jerrell Marshall, Louisiana prisoner # 470174, moves for leave to appeal in forma pauperis (IFP) from the dismissal of his purported civil rights complaint under 42 U.S.C. § 1983. He also moves for appointment of counsel. In his complaint, Marshall alleged that he had been held past his release date. Because he sought immediate release from prison, in addition to money damages, the district court held that the complaint was, in substance, a habeas

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 18-30745

corpus petition under 28 U.S.C. § 2241 and that Marshall had not exhausted his state court remedies. The district court denied Marshall leave to appeal IFP and certified that the appeal was not in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

In this court, Marshall repeats his claim of wrongful detention, but he does not challenge the district court's reasons for the dismissal or the certification. *See id.* Because he fails to show any issue of arguable merit, his appeal is frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). The motion for leave to appeal IFP is DENIED; the motion to appoint counsel is DENIED; and the appeal is DISMISSED AS FRIVOLOUS. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.