

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

November 4, 2022

Lyle W. Cayce
Clerk

No. 21-50963

JOHN EDOS STAR,

Plaintiff—Appellant,

versus

ALEJANDRO MAYORKAS, *Secretary, U.S. Department of Homeland Security*; UR M. JADDOU, *Director of U.S. Citizenship and Immigration Services, Washington DC*; DEPARTMENT OF HOMELAND SECURITY, NATIONAL BENEFIT CENTER LEE'S SUMMIT, MISSOURI; POTOMAC SERVICE CENTER; DIRECTOR OF U.S. CITIZENSHIP AND IMMIGRATION SERVICES, NEW YORK CITY,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 4:19-CV-53

Before KING, HAYNES, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-50963

John Edos Star has moved for leave to proceed in forma pauperis (IFP) on appeal from the dismissal without prejudice of his complaint challenging the denial of his naturalization application in 2009. The district court found that Star's complaint was time barred and that the court lacked subject matter jurisdiction. Star is contesting 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). Our inquiry into an appellant's good faith "is limited to whether the 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 citations omitted).

Even if we afford his brief very liberal construction, Star briefs no argument that the district court has jurisdiction over his complaint challenging the denial of his application for naturalization. Accordingly, this claim is deemed abandoned. *See Yohey v. Collins*, 985 F.2d 222, 225 (5th Cir. 1993); *Brinkmann v. Dallas Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987).

Star has failed to show that there is a nonfrivolous issue on appeal. *See Howard*, 707 F.2d at 220. The district court did not err in deciding that his appeal was not taken in good faith. *See id.* at 219-20. His request to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.