

273 F.3d 1101

This case was not selected for publication in the Federal Reporter.

Not for Publication in West's Federal Reporter See Fed. Rule of Appellate Procedure 32.1 generally governing citation of judicial decisions issued on or after Jan. 1, 2007. See also Fifth Circuit Rules 28.7, 47.5.3, 47.5.4. (Find CTA5 Rule 28 and Find CTA5 Rule 47)
United States Court of Appeals,
Fifth Circuit.

David RUIZ, et al., Plaintiffs, Ronald R. Johnson, Jr., Plaintiff-Appellant,
v.

UNITED STATES of America, Intervenor-Plaintiff-Appellee, Janie Cockrell, Director, Texas Department of Criminal Justice, Institutional Division; Allen B. Polunsky; Carole S. Young; William H. Moody; John David Franz; Nancy Patton; Carol Vance; Patricia Day; Alfred C. Moran; Alfred M. Stringfellow,
Defendants-Appellees.

No. 00-20938. | Conference Calendar | Aug. 23, 2001.

Appeal from the United States District Court for the Southern District of Texas, USDC No. H-78-CV-987.

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

Opinion

PER CURIAM:*

*1 Ronald R. Johnson, Jr., Texas inmate # 783093, moves this court for leave to appeal *in forma pauperis* (IFP) from the district court's July 1998 order that controls all pro se motions arising in the *Ruiz* class action. "To proceed on appeal [IFP], a litigant must be economically eligible, and his appeal must not be frivolous." *Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir.1986).

Johnson does not meet the latter prong of this standard for the following reasons. His appeal is untimely. *See* FED. R.APP. P. 4(a). He lacks standing in the class action. *See Gillespie v. Crawford*, 858 F.2d 1101, 1103 (5th Cir.1988) (en banc); *Walker v. City of Mesquite*, 858 F.2d 1071, 1074 (5th Cir.1988). Additionally, the order from which he desires to appeal is an unappealable nonfinal order that does not fall under the collateral order doctrine. *See Coopers & Lybrand v. Livesay*, 437 U.S. 463, 468-69, 98 S.Ct. 2454, 57 L.Ed.2d 351 (1978); *North Am. Acceptance Corp. Sec. Cases v. Arnall, Golden & Gregory*, 593 F.2d 642, 643-45 (5th Cir.1979); FED.R.CIV.P. 23(d).

In light of these impediments to Johnson's appeal, his appeal is frivolous. *See* 5TH CIR. R. 42.2. IT IS ORDERED that IFP is DENIED and the appeal is DISMISSED as FRIVOLOUS.

IFP DENIED. APPEAL DISMISSED.

Parallel Citations

2001 WL 1075899 (C.A.5 (Tex.))

Footnotes

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

