

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

United States Court of Appeals  
Fifth Circuit

**FILED**

May 1, 2013

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 12-31048

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

THOMAS RAY KENNEDY, III,

Defendant-Appellant

\_\_\_\_\_  
Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 2:91-CR-473-1  
\_\_\_\_\_

Before JONES, DENNIS, and HAYNES, Circuit Judges.

PER CURIAM:\*

Thomas Ray Kennedy, III, federal prisoner # 95939-012, moves in this court for leave to proceed in forma pauperis (IFP) on appeal from the district court's denial of his Federal Rule of Civil Procedure 59(e) motion, in which he sought reconsideration of the denial of his motion to file "interrogatory questions." By moving to proceed IFP, Kennedy 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

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Kennedy has failed to provide argument that addresses the district court's reasons for denying his Rule 59(e) motion. *See* FED. R. APP. P. 28(a)(9). Where an appellant does not identify error in the district court's analysis, it is the same as if he had not appealed at all. *Brinkmann v. Dall. Cnty. Deputy Sheriff Abner*, 813 F.2d 744, 748 (5th Cir. 1987). Because Kennedy has not addressed the basis for the district court's denial of his motion for reconsideration, he has abandoned any challenge thereto. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999). The appeal is frivolous and is therefore DISMISSED. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. Kennedy's motion to appeal IFP is DENIED.