

May 10, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30921
Summary Calendar

WALTER KING

Petitioner - Appellant

v.

ROBERT M TAPIA, JOHN ASHCROFT, UNITED STATES OF AMERICA

Respondents - Appellees

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 02-CV-2526

Before KING, Chief Judge, and HIGGINBOTHAM and WIENER, Circuit
Judges.

PER CURIAM:*

Walter King, federal prisoner number 11086-042, appeals the
district court's dismissal with prejudice of his application for
a federal writ of habeas corpus. King has also filed a motion to
supplement the record.

For the first time in this court, King relies upon the
Bureau of Prisons Policy Statement 1560.05 and argues that the
Regional Inmate Systems Manager did not consider all of the

* 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that this opinion should not be published and is not precedent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.

relevant factors outlined in PS 1560.05. He also asserts for the first time in this court that the district court judgment in a criminal case should be construed as indicating no objection to a nunc pro tunc designation of the state prison as the place of federal confinement. The contentions that King now seeks to present in this court were not raised in the district court and will not be considered on appeal. See Free v. Miles, 333 F.3d 550, 552 n.4 (5th Cir. 2003). As there is no argument properly before this court, the appeal is frivolous and is dismissed as such. See Howard v. King, 707 F.2d 215, 219- 20 (5th Cir. 1983); 5TH CIR. R. 42.2. King's motion to supplement the record is denied.

APPEAL DISMISSED; MOTION DENIED.