

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30456
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JOHN LACOUR,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 97-CR-10012-3

October 25, 2001

Before WIENER, BENAVIDES, and DENNIS, Circuit Judges.

PER CURIAM:*

John Lacour, federal prisoner # 09668-035, appeals the district court's denial of his postconviction motion to rescind the imposition of a \$40,000 fine. Lacour challenged the fine on direct appeal, and we affirmed the district court. See United States v. Lacour, No. 98-30803 (5th Cir. Apr. 11, 2000) (unpublished). Lacour, however, again argues that imposition of a fine was a violation of his Eighth Amendment rights because of his inability to pay.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The district court was without jurisdiction to entertain this unauthorized motion. See United States v. Hatten, 167 F.3d 884, 886 (5th Cir. 1999) (district court has no jurisdiction to entertain a challenge to the legality of a fine imposed as a term of supervised release); see also United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994) (district court has no jurisdiction to entertain unauthorized motions). This appeal is without arguable merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). It is dismissed. 5th Cir. R. 42.2.

DISMISSED.