

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-41036  
Summary Calendar

---

HORTENCIA RODRIGUEZ,

Plaintiff-Appellant,

versus

UNITED STATES OF AMERICA;  
UNITED STATES DEPARTMENT OF JUSTICE;  
UNITED STATES DRUG ENFORCEMENT;  
SAN BENITO BANK AND TRUST COMPANY,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-B-94-316  
- - - - -

December 16, 1996

Before JONES, DeMOSS and PARKER, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that Hortencia Rodriguez's application for leave to appeal in forma pauperis (IFP) is DENIED, because the appeal is frivolous as a matter of law. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, IT IS FURTHER ORDERED that this appeal is DISMISSED. See 5th Cir. Rule 42.2.

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

To obtain preliminary injunctive relief, a party must first prove a substantial likelihood that she will prevail on the merits of the action. Rodriguez v. United States, 66 F.3d 95, 97 (5th Cir. 1995). Rodriguez cannot prove this, because the district court has dismissed her action with prejudice.

IFP DENIED; APPEAL DISMISSED.