

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60049
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DAVID EARL HUGHES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:94cv618BN (J91-000094(B))
- - - - -

June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

David Earl Hughes has appealed the district court's dismissal of his 28 U.S.C. § 2255 motion to vacate, set aside or correct his sentence for escape from federal custody. Hughes argues that he should be resentenced because his co-defendants were treated more leniently.

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

The court declines to consider this argument because Hughes did not raise it in the district court. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991).

Hughes is hereby warned that future filings of frivolous documents will result in the imposition of sanctions. See Smith v. McCleod, 946 F.2d 417, 418 (5th Cir. 1991); Jackson v. Carpenter, 921 F.2d 68, 69 (5th Cir. 1991).

APPEAL DISMISSED.