

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-60330
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEXTER CONROD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:94-CV-113
- - - - -

December 15, 1997

Before DUHE', DeMOSS and DENNIS, Circuit Judges.

PER CURIAM:*

Dexter Conrod, federal prisoner # 09532-043, seeks to appeal the denial of his 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence, the denial of his motion to amend his § 2255, the denial of his "Motion for Relief from Judgment Under Rule 60(b) ("Rule 60(b) motion"), and the denial of his motion entitled "The Petitioner's Request for Reconsideration Pro-Se." He has filed a motion for leave to proceed in forma pauperis

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(IFP) on appeal and also requests the appointment of appellate counsel.

Conrod timely appealed only from the district court's denial of his motion to amend his § 2255 motion and his Rule 60(b) motion. Fed. R. App. P. 4(a). The district court did not abuse its discretion in denying the motion to amend and the Rule 60(b) motion. Carimi v. Royal Caribbean Cruise Line, Inc., 959 F.2d 1344, 1345 (5th Cir. 1992); Bridle v. Scott, 63 F.3d 364, 379 (5th Cir. 1995). Because Conrod has not demonstrated that he will present a nonfrivolous issue on appeal, the motion for IFP is DENIED. Conrod's request for the appointment of counsel is also DENIED. Because the appeal is frivolous, it is DISMISSED. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

APPEAL DISMISSED. MOTIONS DENIED.