

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-10969
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CURTIS MITCHELL O'BRIEN,
a/k/a Rudolph P. (Peter) Heim,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 6:89-CR-009-1
- - - - -

August 18, 1999

Before HIGGINBOTHAM, JONES, and DENNIS, Circuit Judges.

PER CURIAM:*

Curtis Mitchell O'Brien, federal prisoner # 17872-077, appeals the district court's dismissal of his Fed. R. Civ. P. 60(b) motion/28 U.S.C. § 1651 "Coram Nobis" action. He argues that the district court abused its discretion in denying him leave to amend his complaint and that the district court abused its discretion in failing to allow him to file a reply brief to the Government's response. He contends that he was subjected to double jeopardy.

O'Brien's attempt to raise his double jeopardy claim in this

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Rule 60(b)/coram nobis action is an obvious attempt to circumvent the prohibition against filing successive 28 U.S.C.

§ 2255 motions. His appeal is DISMISSED AS FRIVOLOUS. 5th Cir. R. 42.2.