

CORRECTED

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40095
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN DENNIS ARRASMITH,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-76-CR-152-1
- - - - -

July 6, 1998

Before JONES, SMITH and BARKSDALE, Circuit Judges.

PER CURIAM:*

Martin D. Arrasmith, federal prisoner #60757-080, seeks leave to proceed *in forma pauperis* (IFP) from the denial of his motion seeking *coram nobis* relief from his 1976 federal drug conviction. Arrasmith contends solely that the federal courts lack jurisdiction over drug offenses that occur within the states. Arrasmith's contention is frivolous; his motion for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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leave to proceed IFP is DENIED. See *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983).

APPEAL DISMISSED. 5TH CIR. R. 42.2.