

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 99-21150  
Conference Calendar

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JEFFREY BALAWAJDER,

Plaintiff-Appellant,

versus

LIEUTENANT B. JACOBS,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-98-CV-3810  
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June 14, 2000

Before JOLLY, DAVIS, and STEWART, Circuit Judges.

PER CURIAM:\*

Texas prisoner Jeffrey Balawajder, #520106, appeals from the district court's denial of his Fed. R. Civ. P. 60(b) motion for relief from judgment. His contention that the district court mischaracterized his "CRIMINAL COMPLAINT" as a civil complaint is meritless. A private party has no right to enforce federal criminal statutes. Bass Angler Sportsman Soc'y v. United States Steel Corp., 324 F. Supp. 412, 415 (D. Ala.), aff'd, 447 F.2d 1304 (5th Cir. 1971); accord Cok v. Cosentino, 876 F.2d 1, 2 (1st Cir. 1989); Keenan v. McGrath, 328 F.2d 610, 611 (1st Cir. 1964).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

As Balawajder's "CRIMINAL COMPLAINT" has no basis in law, the district court did not abuse its discretion in denying his Rule 60(b) motion. See Travelers Ins. Co. v. Liljeberg Enter. Inc., 38 F.3d 1404, 1408 (5th Cir. 1994).

Balawajders' appeal is without merit and therefore frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5TH CIR. R. 42.2.

Balawajder's brief contains abusive and disparaging references to the district court. Although a pro se appellant's pleadings are entitled to a liberal construction, we "simply will not allow liberal pleading rules and pro se practice to be a vehicle for abusive documents." Therriault v. Silber, 579 F.2d 302, 303 (5th Cir. 1978). Accordingly, Balawajder is ORDERED TO PAY monetary sanctions in the amount of \$100 to the Clerk of the District Court. The Clerk of this court is instructed not to accept for filing any appeal, except an appeal in a criminal proceeding, by Balawajder until he has paid this sanction.

APPEAL DISMISSED; SANCTION IMPOSED.