

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-20101  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LAMBERT R. LUCIOUS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-92-CR-141-1  
- - - - -

August 23, 2001

Before KING, Chief Judge, and POLITZ and PARKER, Circuit Judges.

PER CURIAM:\*

Lambert R. Lucious, federal prisoner # 02386-095, requests leave to proceed *in forma pauperis* (IFP) in this appeal from the district court's denial of his motion for a copy of an amended indictment. Because Lucious had no appeal or habeas petition pending when he filed his motion, he is not entitled to a copy of his indictment. Walker v. United States, 424 F.2d 278, 278-79 (5th Cir. 1970). Accordingly, because Lucious has not raised a nonfrivolous issue, his appeal is DISMISSED and his request for IFP is DENIED. See Fed. R. App. P. 24(a); Carson v. Polley, 689

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

F.2d 562, 586 (5th Cir. 1982); United States v. Boutwell, 896

F.2d 884, 889-90 (5th Cir. 1990).

IFP DENIED. APPEAL DISMISSED.