

April 22, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-10619  
Conference Calendar

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ANDRES MONTOYA REYNA, SR.; ELIDA REYNA;  
ANDRES MARES REYNA, JR.; REBECCA REYNA,

Plaintiffs-Appellants,

versus

JOHN ASHCROFT, ATTORNEY GENERAL OF THE UNITED STATES;  
RICARD A. MEDEMA, Senior Attorney for the Drug Enforcement  
Administration Office of Domestic Operations Asset Forfeiture  
Sections; MIA MOORE, DEA Agent; COLIN J. SULLIVAN, Officer-  
Detective,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:01-CV-841-A  
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Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Andres Montoya Reyna, Sr., and Elida Reyna move this court for appointment of counsel. The motion is DENIED. Mr. and Mrs. Reyna have appealed the district court's entry of a partial final judgment dismissing civil rights claims filed by their son, Andres Mares Reyna, Jr., as barred by Heck v. Humphrey<sup>2</sup> and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

<sup>2</sup> 512 U.S. 477 (1994).

dismissing the claims of all plaintiffs to the extent that they are based on allegedly invalid warrants authorizing searches of two residences occupied by the Reynas and their son.

Andres Montoya Reyna, Sr., and Elida Reyna lack standing to appeal the dismissal of their adult son's claims. Mr. and Mrs. Reyna's briefing of their challenge to the validity of the warrants is inadequate as it is not supported by citation to the record. See Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993). Nevertheless, we have reviewed the warrants and find that the appellants' challenge to their validity is baseless. United States v. Cherna, 184 F.3d 403, 411-12 (5th Cir. 1999).

This appeal lacks arguable merit. Consequently, it is DISMISSED AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. The appellants are WARNED that the filing of future frivolous appeals will result in sanctions.

APPEAL DISMISSED; MOTION FOR COUNSEL DENIED; SANCTION WARNING ISSUED.