

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 02-51093  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GREGORY ALLEN LININGHAM,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-93-CR-83-1  
-----

February 19, 2003

Before WIENER, EMILIO M. GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Gregory Allen Liningham, a federal prisoner (# 60684-080), has filed a motion requesting leave to appeal in forma pauperis ("IFP") following the district court's order striking his pro se postconviction motion, his fourth such motion, from the record as frivolous and improperly filed. This court may authorize Liningham to proceed IFP on appeal only if he is economically eligible and his appeal is not frivolous. Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). In his latest postconviction action, a transparent effort to avoid 28 U.S.C. § 2255's prohibitions against untimely and successive

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motions to vacate, Liningham asserts that various federal officials fraudulently prosecuted and convicted him in 1993 in order to punish him for failing to pay tax penalties to the Internal Revenue Service. Liningham's arguments are completely unsupported by any reference to specific facts, and his latest postconviction motion is an "unauthorized" and "meaningless" one over which the district court lacked jurisdiction. See United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). The appeal is without arguable merit, and we DENY IFP and DISMISS THE APPEAL AS FRIVOLOUS. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2.

IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS.