

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-60247  
USDC No. 5:02-CV-57-BrS  
Summary Calendar

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THOMAS A. TALARICO,

Petitioner-Appellant,

versus

KHURSHID Z. YUSUFF, Warden,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
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September 27, 2002

Before JONES, STEWART, and DENNIS, Circuit Judges.

PER CURIAM:<sup>1</sup>

Thomas A. Talarico, federal prisoner #15386-076, has filed a motion for leave to proceed in forma pauperis (IFP) on appeal following the dismissal of his 28 U.S.C. § 2241 petition which challenged his guilty-plea conviction for possession with the intent to distribute methamphetamine and using and carrying a firearm during and in relation to a drug-trafficking crime.

Talarico has not demonstrated that he is financially

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<sup>1</sup>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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

entitled to proceed IFP or that he will raise a nonfrivolous issue on appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); FED. R. APP. P. 24(a)(1). Therefore, Talarico's IFP motion is DENIED.

Because Talarico's appeal presents no nonfrivolous issues, it is dismissed as frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR. R. 42.2. Talarico is cautioned that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Talarico is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous.

MOTION TO PROCEED IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS;  
SANCTION WARNING ISSUED.