

FILED

June 23, 2004

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 03-11198
Conference Calendar

ROBERT KENNETH LEASURE,

Petitioner-Appellant,

versus

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:03-CV-1600-N

Before BARKSDALE, DeMOSS, and CLEMENT, Circuit Judges.

PER CURIAM:*

Robert Kenneth Leasure, Texas prisoner # 747659, has moved this court for leave to proceed in forma pauperis (IFP) in an appeal from the district court's dismissal for lack of subject matter jurisdiction of his petition for writ of error coram nobis. In denying Leasure's motion to proceed IFP on appeal, the district court certified under 28 U.S.C. § 1915(a)(3) and FED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

R. APP. P. 24(a) that the appeal is not taken in good faith because it presents no legal points of arguable merit.

Leasure offers no arguments related to the merits of the district court's dismissal of his petition for a writ of error coram nobis for lack of subject matter jurisdiction. Because Leasure has not demonstrated that he will present a nonfrivolous issue on appeal, his motion to proceed IFP is DENIED. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982). Furthermore, his appeal is DISMISSED as frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2; see also Baugh v. Taylor, 117 F.3d 197, 201-02 (5th Cir. 1997).

We CAUTION Leasure that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Leasure is further CAUTIONED to review pending appeals to ensure that they do not raise arguments that are frivolous.

IFP DENIED; APPEAL DISMISSED AS FRIVOLOUS; SANCTIONS WARNING ISSUED.