

June 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-50081
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JUAN JOSE MACIAS-CASTRO, also known as Rogelio
Martinez-Lopez, also known as Martin Sotelo-Hernandez,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-97-CR-106-ALL-JN

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

Juan Jose Macias-Castro ("Macias"), federal prisoner #79463-080, appeals the district court's dismissal of his motion to dismiss the indictment, which was filed after his conviction was affirmed on appeal and after time for seeking a writ of certiorari had expired. Because the criminal proceedings were no longer pending, this motion was unauthorized and without a jurisdictional basis. See United States v. Early, 27 F.3d 140,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

142 (5th Cir. 1994). Macias has thus "appealed from the denial of a meaningless, unauthorized motion." Id. Accordingly, the appeal is DISMISSED.