

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

United States Court of Appeals  
Fifth Circuit

**FILED**

August 5, 2010

Lyle W. Cayce  
Clerk

\_\_\_\_\_  
No. 10-50249

Summary Calendar  
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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ROBERT LLOYD DUNLAP, also known as Robert Dunlap,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:06-CR-141-1  
\_\_\_\_\_

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:\*

Robert Lloyd Dunlap, federal prisoner # 56812-180, seeks leave to proceed in forma pauperis (IFP) on appeal from the district court's denial of his motion to reduce sentence pursuant to 18 U.S.C. § 3553(a). Dunlap also moves for the appointment of counsel.

In order to obtain leave to proceed IFP, Dunlap must show that he is a pauper, and he must raise a nonfrivolous issue. *See Jackson v. Dallas Police Dep't*, 811 F.2d 260, 261 (5th Cir. 1986). Dunlap provides only his financial

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

information and does not address whether his appeal will present a nonfrivolous issue. Dunlap does not even mention the denial of his § 3553(a) motion for lack of jurisdiction. Dunlap's appeal is without arguable merit and is thus frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983).

Accordingly, Dunlap's request for leave to proceed IFP is DENIED. His motion for appointment of counsel is also DENIED, and the appeal is DISMISSED. *See* 5TH CIR. R. 42.2.