

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

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2010

Lyle W. Cayce
Clerk

No. 10-50306

Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JERRY LEWIS DEDRICK,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 7:02-CR-113-2

Before HIGGINBOTHAM, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:*

Jerry Lewis Dedrick, federal prisoner # 27140-180, moves for leave to proceed in forma pauperis (IFP) on appeal from the denial of his “motion for judgment nunc pro tunc adjustments for role in offense,” challenging the sentence imposed following his conviction for aiding and abetting possession with intent to distribute more than 50 grams of cocaine base. The district court denied Dedrick’s IFP motion because he failed to present a good faith, nonfrivolous, arguable issue for appeal. By moving for leave to proceed IFP on

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appeal, Dedrick is challenging the district court's determination. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); FED. R. APP. P. 24(a)(5).

A review of this court's files shows that this appeal represents the latest in more than two dozen appeals involving Dedrick's sentence and confinement. Pertinent to this appeal, Dedrick was originally sentenced under the career criminal provisions of §4B1.1 of the then-applicable United States Sentencing Guidelines. He challenged that application on direct appeal and lost. *United States v. Dedrick*, No. 03-50397 (5th Cir. Jan. 23, 2004). Since that appeal, he has filed various challenges to this sentence, all unsuccessful before both the district court and this court. In 2008, he again moved to reduce his sentence; that motion was denied, and the appeal of that decision remains pending under No. 08-50673.

The motion that is the subject of the current appeal is, at best, yet another attempt to reargue his sentence. At worst, it is a successive habeas over which the district court would have no authority because Dedrick never received permission from this court to file it. In any event, Dedrick has not demonstrated a nonfrivolous issue for appeal. This appeal is "from the denial of a meaningless, unauthorized motion." *See United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). Dedrick has failed to show that his appeal involves "legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983) (internal quotation marks omitted). Accordingly, the motion for leave to proceed IFP on appeal is DENIED and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2. Dedrick is WARNED that filing further frivolous appeals will subject him to sanctions. *See FED. R. APP. P. 38; Clark v. Green*, 814 F.2d 221, 223 (5th Cir. 1987).