

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

United States Court of Appeals  
Fifth Circuit

**FILED**

June 16, 2011

Lyle W. Cayce  
Clerk

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No. 10-51004  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TODD RICKS,

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 1:06-CR-206-1

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Before JOLLY, GARZA and STEWART, Circuit Judges.

PER CURIAM:\*

Todd Ricks is serving a 300-month sentence for three drug and firearm crimes. He has moved this court for leave to appeal in forma pauperis and for appointment of counsel as he seeks to appeal the district court's denial of two motions. In one motion, Ricks contended that a hung jury in a 2007 mistrial equated to an acquittal and that he was entitled to a nunc pro tunc order of acquittal. In the other motion, Ricks sought a formal written ruling that his motion for acquittal during the 2007 mistrial had been denied.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 10-51004

The motions filed by Ricks in the district court were meaningless, unauthorized, and without any jurisdictional basis. *See United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994) (addressing “a meaningless, unauthorized motion” that lacked any jurisdictional basis). Ricks has failed to show that his appeal from the denial of these frivolous motions 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). The appeal is DISMISSED as frivolous, and Ricks’s motions are DENIED. *See Baugh v. Taylor*, 117 F.3d 197, 202 & n.24 (5th Cir. 1997); 5TH CIR. RULE 42.2.