

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

United States Court of Appeals
Fifth Circuit

FILED

February 24, 2012

Lyle W. Cayce
Clerk

No. 11-20413
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JUAN DIEGO OSPINA, also known as Tato,

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:05-CR-21-1

Before SMITH, GARZA, and DeMOSS, Circuit Judges.

PER CURIAM:*

Juan Diego Ospina appeals from the district court's denial of his motion to correct his name. Ospina was convicted of conspiracy to possess with the intent to distribute five kilograms or more of cocaine and was sentenced to 240 months of imprisonment. After his conviction became final, Ospina sought to change the case caption to read "Diego Antonio Toro." He argues that the district court abused its discretion in denying his motion because he had valid documents showing that he was processed under an alias. Ospina also contends

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 11-20413

that, under the Second Chance Act of 2007, the Director of the Bureau of Prisons is required to assist him in obtaining legal forms of identification prior to his release.

Ospina provides no legal basis for filing his motion. He identifies no legal authority under which the district court may have considered a postjudgment motion to correct his name. Ospina's appeal is "patently frivolous." *United States v. Williams*, 990 F.2d 626 (5th Cir. 1993) (unpublished); see 5TH CIR. R. 47.5.3 (unpublished opinion before 1996 is precedential).

Accordingly, the appeal is DISMISSED. See 5TH CIR. R. 42.2.