

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

No. 14-60104
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

August 29, 2014

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

JAMES ALLEN MORRIS,

Defendant-Appellant

Appeals from the United States District Court
for the Northern District of Mississippi
USDC No. 2:02-CR-74

Before DAVIS, HAYNES, and COSTA, Circuit Judges.

PER CURIAM:*

James Allen Morris, federal prisoner # 11614-042, moves to proceed in forma pauperis (IFP) in his appeal of the denial of his 18 U.S.C. § 3582(c)(2) motion. The district court determined that Morris, who in 2003 had been sentenced to concurrent terms of 230 months and 120 months of imprisonment in connection with crack cocaine offenses, was not entitled to relief pursuant to § 3582(c)(2) or 28 U.S.C. § 2241 because he was a career offender. In

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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considering Morris's motion to proceed IFP, the district court concluded that he had failed to raise a nonfrivolous issue for appeal and certified that an appeal would not be in good faith.

Morris is challenging the certification that his appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry "is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous)." *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983) (internal quotation marks and citation omitted). Morris's poorly drafted pleadings suggest an intent to argue that the Guidelines were incorrectly applied at sentencing and that the career offender designation should not apply in his case. However, Morris does not provide coherent argument that addresses the district court's determinations that § 3582(c)(2) and § 2241 do not provide the relief that he requested. His assertions thus do not amount to legal argument that addresses the district court's denial of relief. *See* FED. R. APP. P. 28(a)(5)-(9); *Grant v. Cuellar*, 59 F.3d 523, 524 (5th Cir. 1995). By failing to provide argument that addresses the district court's analysis, Morris has failed to adequately present any argument for this court's consideration.

Morris's appeal is without argument and is thus frivolous. *See Howard*, 707 F.2d at 219-20. Because the appeal is frivolous, it is dismissed. *See* 5TH CIR. R. 42.2; *Baugh*, 117 F.3d at 202 & n.24. Given Morris's repeated attempts to raise similar challenges to his sentence, this court and the district court's repeated rejection of such arguments, and the frivolous nature of the instant motion, Morris is WARNED that any future frivolous pleadings in this court or in any court subject to the jurisdiction of this court will subject him to sanctions. Morris is DIRECTED to review any pending matters to ensure that they are not frivolous.

IFP DENIED; APPEAL DISMISSED; SANCTION WARNING ISSUED.