

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

No. 16-50678
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

June 5, 2017

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

SAMUEL PHILIP ADAMS,

Defendant-Appellant

Appeals from the United States District Court
for the Western District of Texas
USDC No. 1:14-CR-100-1

Before OWEN, ELROD, and COSTA, Circuit Judges.

PER CURIAM:*

Samuel Philip Adams, now federal prisoner # 31576-380, was convicted of possession of child pornography. He filed a motion in the district court styled, "Pro-Se Motion to Reverse 'Void' Federal Judgment/Conviction to Correct a 'Manifest Injustice' and Plain Error, Pursuant to Federal Rules of Criminal Procedure, Rule 52(b)." The district court denied the motion as meaningless and unauthorized and because it lacked jurisdiction. It

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 16-50678

decertified Adams's in forma pauperis (IFP) status. Adams has applied in this court for leave to proceed IFP.

Adams asserts that the federal court had jurisdiction to reach his constitutional claims because he has a First Amendment right to petition the court for relief. Adams has not shown that his appeal involves legal points arguable on their merits. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). We deny the motion for leave to proceed IFP on appeal and dismiss the appeal as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.

MOTION FOR LEAVE TO PROCEED IFP DENIED; APPEAL DISMISSED.