

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

No. 18-41076
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED
June 17, 2019

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

ERWIN EUGENE SEMIEN,

Defendant-Appellant

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:05-CR-158-1

Before DAVIS, HAYNES, and GRAVES, Circuit Judges.

PER CURIAM:*

Erwin Eugene Semien, federal prisoner # 05695-078, appeals from the denial of a postconviction pleading in which he sought discovery of exculpatory evidence for purposes of challenging his conviction. The magistrate judge concluded that there was “no legal basis for entertaining this latest attempt at challenging his conviction,” and the district court overruled Semien’s objections to the magistrate judge’s order. Construing that conclusion as a

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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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finding that Semien's motion was a meaningless, unauthorized motion that the district court lacked jurisdiction to entertain, *see United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994), we agree that the district court lacked jurisdiction and AFFIRM.