

United States Court of Appeals
for the Fifth Circuit

No. 23-30842
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

February 20, 2025

Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

ALVIN WATTS, III,

Defendant—Appellant.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 3:16-CR-104-1

Before SOUTHWICK, WILLETT, and OLDHAM, *Circuit Judges.*

PER CURIAM:*

Alvin Watts, III, federal prisoner #08514-095, seeks leave to proceed in forma pauperis (IFP) from the denial of his motion for a new trial under Federal Rule of Criminal Procedure 33. His motion raised claims based on, inter alia, a sentencing order that he argued constituted newly discovered evidence. By moving for leave to proceed IFP, Watts is challenging the

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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district court's certification that the appeal is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Watts shows no error in the district court's conclusion that the disputed sentencing order did not constitute newly discovered evidence for Rule 33 purposes. Accordingly, Watts has failed to raise a nonfrivolous issue regarding whether the district court abused its discretion by denying his Rule 33 motion for a new trial. *See United States v. Wall*, 389 F.3d 457, 467 (5th Cir. 2004); *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). His motions to proceed IFP on appeal and for appointed counsel are DENIED, and the appeal is DISMISSED as frivolous. *See Baugh*, 117 F.3d at 202 n.24; 5TH CIR. R. 42.2.