

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20527
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FERNANDO ALMESTICA-COLLAZO,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-H-92-0061-5
- - - - -

(January 18, 1995)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Fernando Almestica-Collazo appeals the district court's denial of a motion to dismiss his criminal case. He also requests release pending appeal.

Almestica's form pleadings and his brief on appeal assert that this Court and the district court are legislative, not Article III, courts; that the criminal jurisdiction of the federal courts is limited to common law and admiralty or maritime law and that a criminal prosecution presents no case or

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

controversy; and that the United States cannot be a party plaintiff in federal court.

The arguments are frivolous, and therefore the appeal is DISMISSED. See 5th Cir. R. 42.2. Almestica's motion for release pending appeal is DENIED as moot.

MOTION DENIED.
APPEAL DISMISSED.