

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20604
USDC No. CA-H-94-2221

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

CHARLES WILLIE WILLIAM,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
- - - - -

(January 26, 1995)

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:*

IT IS ORDERED that Charlie Willie William's motion for leave to proceed in forma pauperis is DENIED and his appeal is DISMISSED AS FRIVOLOUS. Fifth Cir. R. 42.2. William's appeal is not taken in good faith, i.e., it does not present any nonfrivolous issues. See 28 U.S.C. § 1915(a); Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982). William's motion for temporary restraining order and/or preliminary injunction is also DENIED as unnecessary.

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

The district court summarily denied William's 28 U.S.C. § 2255 motion without stating reasons and denied William's application to proceed in forma pauperis (IFP).

Rule 4(b) of the Rules Governing § 2255 Proceedings states:

If it plainly appears from the face of the motion and any annexed exhibits and the prior proceedings in the case that the movant is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the movant to be notified. Otherwise the judge shall order the United States Attorney to file an answer or other pleading within the period of time fixed by the court or take other such action as the judge deems appropriate.

Unless the record conclusively shows that a defendant is entitled to no relief, the district court must set out its findings of fact and conclusions of law when ruling on a § 2255 motion. U.S. v. Edwards, 711 F.2d 633, 633 (5th Cir. 1983). A statement of findings of fact and conclusions of law is "indispensable to appellate review." Hart v. U.S., 565 F.2d 360, 362 (5th Cir. 1978).

The district court may have erred in summarily dismissing William's motion without stating any reasons. However, although William identifies the issues he raised in the district court, he does not argue them on appeal. Issues that are not addressed on appeal are considered abandoned. See Weaver v. Puckett, 896 F.2d 126, 128 (5th Cir.), cert. denied, 498 U.S. 966 (1990). A remand for entry of reasons would be meaningless, because William does not argue any issues for appellate review that would require this Court to consider any findings of facts and conclusions of law. William does not present a nonfrivolous issue for review.

MOTIONS DENIED. APPEAL DISMISSED.