

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50085
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ANDRES SANCHEZ, JR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-91-CR-311

(August 30, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Andres Sanchez, Jr., has appealed the district court's denial of an 18 U.S.C. § 3582(c)(2) motion to reduce his sentence. In this Court he has filed a motion to dismiss his criminal case and a motion to toll the briefing time until we rule on the motion to dismiss. He has also moved for entry of findings of fact and conclusions of law in his favor, and he has

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

moved this Court to compel the district court to enter findings of fact and conclusions of law.

In both his district court § 3582(c)(2) motion and in his motion to dismiss filed in this Court, Sanchez has presented form pleadings that 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 controversy; and that the United States cannot be a party plaintiff in federal court. The arguments are frivolous.

Therefore, IT IS ORDERED that Sanchez's "Sworn Motion to Dismiss `Criminal Case'" is DENIED. Because the appeal of the underlying judgment is frivolous, we dispense with briefing and DISMISS the appeal. See Fifth Cir. R. 42.2. Sanchez's motions for favorable findings from this Court is DENIED, as is his motion to have us compel the district court to enter further findings of fact and conclusions of law. Finally, Sanchez's motion to toll the briefing schedule until we rule on his motion is DENIED as moot.

MOTIONS DENIED.
APPEAL DISMISSED.