

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50271
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ODDIS EUGENE PEOPLES,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. W-92-CR-064

(October 25, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Oddis Eugene Peoples moves for leave to appeal in forma pauperis the district court's denial of his 18 U.S.C. § 3582(c)(2) motion. Liberally construing his pleadings, we also interpret his motion as a request for leave to appeal in forma pauperis the district court's denial of a motion to dismiss his criminal case.

IT IS ORDERED that Peoples's motion is DENIED. The appeal raises no legal point of arguable merit. Peoples's form

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

pleadings 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.

Because the appeal is frivolous, it is DISMISSED. See Fifth Cir. R. 42.2.

MOTION DENIED.
APPEAL DISMISSED.