

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-50273
Summary Calendar

TIMOTHY RINARD,

Plaintiff-Appellant,

versus

THE UNITED STATES OF AMERICA,
COUNTY OF EL PASO, and
LEO SAMANIEGO,

Defendants-Appellees.

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Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-92-CA-40(F)

- - - - -
(November 11, 1994)

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

PER CURIAM:*

IT IS ORDERED that Timothy Rinard's motion to proceed in forma pauperis on appeal is DENIED. Rinard has not established by clear and convincing evidence that his attorney conspired with the adverse parties to mislead him into accepting a compromise settlement or that he had been coerced. See Washington v. Patlis, 916 F.2d 1036, 1039 (5th Cir. 1990). The findings of the district court are not clearly erroneous. See In re Ginther, 791 F.2d 1151, 1153 (5th Cir. 1986). The district court did not

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

abuse its discretion in denying Rinard's motion for a new trial or to set aside the order of dismissal. See Stipelcovich v. Sand Dollar Marine, Inc., 805 F.2d 599, 604 (5th Cir. 1986).

Rinard can present no legal points arguable on their merits, and his appeal is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2.