

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-50395  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN EDWIN FINNEY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-90-CR-11(1)  
- - - - -

(August 29, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:\*

Martin Edwin Finney appeals the district court's denial of a motion to dismiss his criminal case. Finney also has moved for bond pending appeal, and he has filed a "Jurisdictional Statement Affidavit" seeking immediate, unconditional release.

Finney's form pleadings in district court, and his brief and motions in this Court, 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

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

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. The appeal is DISMISSED.

Finney's motion for immediate, unconditional release is DENIED. His motion for bond pending appeal is DENIED as moot.

APPEAL DISMISSED.  
MOTIONS DENIED.