

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-60412  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JORGE ENRIQUE VILLEGAS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 3:93-CV-161 (CR J87-00111L)

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(January 27, 1995)

Before POLITZ, Chief Judge, HIGGINBOTHAM and DeMOSS,  
Circuit Judges.

PER CURIAM:\*

Jorge Enrique Villegas' appeal from the denial of his 18 U.S.C. § 3582(c)(2) motion is DISMISSED due to abandonment. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). His appeal from the denial of his 28 U.S.C. § 2255 motion is devoid of arguable merit and thus frivolous because he fails to address the district court's dismissal for an abuse of procedure. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. 5th Cir. R. 42.2.

APPEAL DISMISSED.

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.