

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60473
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RACIEL ORTIZ CONTRERAS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CR-C-89-122-1
- - - - -
(November 15, 1994)

Before DAVIS, JONES, and DUHÉ, Circuit Judges.

PER CURIAM:*

Raciel Ortiz Contreras has moved to appeal in forma pauperis the district court's denial of a motion to dismiss his criminal case and a motion to reduce his sentence. He has moved for immediate, unconditional release in a "Jurisdictional Statement Affidavit" and, in his brief, for bond pending appeal.

The motion to appeal in forma pauperis is DENIED AS UNNECESSARY. Contreras paid a filing fee in the district court.

Contreras's form pleadings in district court, and his brief

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

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 admiralty or maritime law; that a criminal prosecution presents no case of controversy; and that the United States cannot be a party plaintiff in federal court. The arguments are frivolous. The appeal is DISMISSED.

Contreras's motion for immediate, unconditional release, based on the same arguments, is frivolous and is DENIED. His motion for bond pending appeal is DENIED AS MOOT.

MOTIONS DENIED.
APPEAL DISMISSED.