

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-11131
USDC No. 3:95-CV-2528-G

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

IGNACIO RIOJAS NIETO, JR.,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
- - - - -

July 11, 1996

Before JONES, EMILIO M. GARZA and DeMOSS, Circuit Judges.

PER CURIAM:*

Ignacio Nieto, #44072-079, seeks to appeal the district court's denial of his motion to vacate, 28 U.S.C. § 2255. His contention that the district court lacked jurisdiction, based on 18 U.S.C. § 13, the Assimilative Crimes Act, is frivolous. See United States v. Brown, 608 F.2d 551 (5th Cir. 1979). Therefore leave to appeal in forma pauperis (IFP) is DENIED and the appeal is DISMISSED.

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We caution Nieto that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Nieto is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

IFP DENIED; APPEAL DISMISSED; WARNING ISSUED.