

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20711
USDC No. CR-H-217

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILLY RUSSELL DUGGAN,

Defendant-Appellant.

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

February 19, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:*

Billy Russell Duggan seeks to proceed in forma pauperis (IFP) on appeal. In order to proceed IFP, Duggan must show that he is a pauper and that he will present a nonfrivolous issue on appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982). We have reviewed the record and the district court's decision and Duggan has not shown that the denial of this Fed. R. Civ. P. 60(b) motion was so unwarranted as to be an abuse of discretion. See Seven Elves, Inc. v. Eskenazi, 635 F.2d 396, 402 (5th Cir. 1981). Therefore, Duggan's motion to proceed IFP is DENIED and his 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* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.