

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50571
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK RHYNES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. W-95-CA-102
- - - - -

April 19, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:*

Patrick Rhynes has moved to proceed in forma pauperis ("IFP") on appeal from the district court's denial of his motion to vacate his sentence, filed pursuant to 28 U.S.C. § 2255. Rhynes argued that police officers violated his Fourth Amendment rights in seizing evidence that was used to convict him and that the district court erred in enhancing his base offense level under the Sentencing Guidelines because of his role as an organizer in the offense. We have reviewed the record and the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court's opinion and perceive no nonfrivolous issue for appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982).

Rhynes' motion to proceed IFP on appeal is DENIED and his appeal is DISMISSED AS FRIVOLOUS. 5th Cir. R. 42.2.