

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50589
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellant,

versus

KATHERINE HENSLER,

Defendant-Appellee.

Appeal from the United States District Court for the
Western District of Texas
USDC No. SA-95-CA-304

April 30, 1996

Before JOLLY, JONES, and STEWART, Circuit Judges.

PER CURIAM:*

Katherine Hensler appeals the district court's denial of her 28 U.S.C. § 2255 motion to vacate her sentence. She contends that the district court erred by determining that Hensler could not allege her argument of insufficient evidence to support her conviction. Hensler unsuccessfully raised the issue of insufficient evidence to support her conviction in her direct appeal. United States v. Hensler, No. 93-8850, slip op. at 3-5 (5th Cir. Aug. 8, 1994) (unpublished). Because this issue was

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

raised and disposed of on direct appeal, it cannot be considered in Hensler's § 2255 motion. United States v. Kalish, 780 F.2d 506, 508 (5th Cir. 1986), cert. denied, 476 U.S. 1118 (1986).

Hensler also attempts to raise, for the first time on appeal, several issues, which she alleges are constitutional in nature. This court will not consider issues, such as these, that are not purely legal questions and that would not result in manifest injustice if not considered. See Varnado v. Lynaugh, 920 F.2d 320, 321 (5th Cir. 1991). Hensler's appeal is without merit and is DISMISSED as frivolous. See 5th Cir. R. 42.2.

Because Hensler has failed to heed our previous warning to avoid filing and pursuing frivolous appeals, Hensler is SANCTIONED \$100, which Hensler must pay to the clerk of this court prior to filing any further appeals in this court.

APPEAL DISMISSED AS FRIVOLOUS. SANCTIONS IMPOSED.