

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50611
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BENJAMIN SALERNO,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Texas
USDC No. SA-92-CR-83

December 20, 1995

Before DAVIS, STEWART, and PARKER, Circuit Judges.

PER CURIAM:*

Benjamin Salerno moves this court for leave to proceed on appeal in forma pauperis (IFP) from the denial of his motion for modification of his sentence pursuant to 18 U.S.C. § 3582(c)(2). We have reviewed the record and the district court's order and find no reversible error. Salerno's other claims were not presented to the district court and are not preserved for appeal.

* Local Rule 47.5.1 provides: "The publication of opinions that 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Salerno fails to raise a nonfrivolous issue on appeal. Accordingly, Salerno's motion for leave to proceed IFP is DENIED and the appeal is DISMISSED.

We caution Salerno that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Salerno 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.

APPEAL DISMISSED. See 5th Cir. Rule 42.2.