

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-10393
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

THOMAS CHINERE IHEME,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:94-CR-410-G
- - - - -

October 10, 1996

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

Thomas Chinere IHEME, 64061-080, appeals from the district court's denial of his motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. He has filed a motion with this court to proceed in forma pauperis (IFP) on appeal. IHEME argues that his indictment was fundamentally defective, that his guilty plea was not entered in compliance with the dictates of Fed. R. Crim. P. 11, that the district court's

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

sentencing order was overbroad and illegal, and that he received ineffective assistance of counsel because his attorney failed to challenge his indictment. We have reviewed the record and conclude that Itheme has not demonstrated that he will present a nonfrivolous issue on appeal. Accordingly, Itheme's motion to proceed IFP on appeal is DENIED and the appeal is DISMISSED. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 5th Cir. R. 42.2.