

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30446  
No. 96-30447  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GERALD A. ELWOOD; MARLO HELMSTETTER,

Defendant-Appellee.

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
USDC No. CR-92-469-D  
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September 10, 1996

Before SMITH, DUHE' and BARKSDALE, Circuit Judges.

PER CURIAM:\*

Gerald Elwood (#22424-034) and Marlo Helmstetter (#23245-034) have filed motions to proceed in forma pauperis (IFP) in the appeals of the denial of their motions for a new trial. They argue that they have procured a medical report which is "newly discovered" evidence. They have not identified any abuse of discretion in the district court's denial of their motions. See United States v. Jaramillo, 42 F.3d 920, 924 (5th Cir.), cert. denied, 115 S. Ct. 2014 (1995). Their appeals fail to present a

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

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nonfrivolous issue; their motions for IFP are denied. See Carson v. Polly, 689 F.2d 562, 586 (5th Cir. 1982). Their appeals are DISMISSED as frivolous. 5th Cir. R. 42.2.3.