

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-50383  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ALVIN SHINETTE, JR.,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. MO-91-CR-94-1  
- - - - -

February 21, 1997

Before SMITH, EMILIO M. GARZA, and PARKER, Circuit Judges.

PER CURIAM:\*

Alvin Shinette, Jr., appeals the denial of his motion for return of property, specifically, \$18.12, which he alleges was seized from him along with \$14,880 when he was arrested shortly after robbing a bank in Midland, Texas, in 1991. The total amount seized was \$14,898.12. The bank reported \$14,880 missing and Shinette contends that the remaining \$18.12 is his personal property. He seeks relief pursuant to Fed. R. Crim. P. 41(e).

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

There is no evidence in the record to indicate that Shinette was the lawful owner of any of the money seized when he was arrested. The district court did not abuse its discretion in denying Shinette's motion. See *Industrias Cardoen, Ltda. v. United States*, 983 F.2d 49, 51 (5th Cir. 1993); *United States v. Schinnell*, 80 F.3d 1064, 1067 (5th Cir. 1996).

This appeal is frivolous. Accordingly, we impose upon Shinette a sanction in the amount of \$200 payable to the clerk of this court for deposit with the United States Treasury. Until such is paid, the clerk of this court shall not accept from Shinette, except upon the written permission of a judge of this court, any further briefs, motions, pleadings, or notices of appeal, even if such nonacceptance results in the clerk's dismissal of Shinette's existing appeals under Fifth Circuit Rule 42.3.1.2 for failure to prosecute.

APPEAL DISMISSED. See 5th Cir. R. 42.2.

SANCTION IMPOSED.