

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50023
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROY MARION JONES,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-83-CR-36
- - - - -

August 15, 1997

Before KING, HIGGINBOTHAM, and DUHÉ, Circuit Judges.

PER CURIAM:*

Roy Marion Jones, federal prisoner #00083-153, filed a motion to vacate, set aside, or correct judgment pursuant to 28 U.S.C. § 2255 which was denied by the district court as an abuse of the writ under Rule 9(b) of the Rules Governing § 2255 Proceedings. Jones timely filed a notice of appeal from this judgment on November 11, 1996.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Jones subsequently filed three discovery motions and a motion for a stay in the district court. The district court did not have jurisdiction over these motions because of the filing of the notice of appeal. Henry v. Independent Am. Sav. Ass'n, 857 F.2d 995, 997-98 (5th Cir. 1988). Jones's contention that the district court erred by not granting the motions is without a legal basis and is frivolous. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983).

APPEAL DISMISSED.