

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-50440 cons/w
No. 98-50682
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELWOOD CLUCK, also known as Jack Cluck,

Defendant-Appellant.

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Appeals from the United States District Court
for the Western District of Texas
USDC No. SA-95-CR-99-1
- - - - -

July 27, 1999

Before SMITH, BARKSDALE, and PARKER, Circuit Judges.

PER CURIAM:*

In case number 98-50440, Elwood Cluck, also known as Jack Cluck, appeals the district court's orders of denial regarding his motion to rescind judgment, his motion for rehearing of his motion to rescind judgment, and his applications for writs of audita querela and coram nobis. In case number 98-50682, Cluck appeals the district court's order of denial regarding his subsequent application for writ of coram nobis. We sua sponte

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consolidate the appeals because they are so closely related.

Fed. R. App. P. 3(b)(2).

Cluck has filed a motion to expedite appeal and a motion for initial hearing en banc. Because Cluck can neither show good cause to expedite the appeal nor meet the stringent standards for cases warranting en banc consideration, both motions are DENIED. 5th Cir. R. 27.6; Fed. R. App. P. 35(a).

Cluck argues that the district court erred by denying all of his motions and applications filed in the district court while the appeal from his judgment of conviction and sentence was pending. As correctly stated by the district court, it had no jurisdiction to consider Cluck's pleadings. See United States v. Hitchmon, 602 F.2d 689, 692-94 (5th Cir. 1979). Accordingly, the judgment of the district court is AFFIRMED.