

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 13-10644
Summary Calendar

United States Court of Appeals
Fifth Circuit
FILED
December 23, 2013
Lyle W. Cayce
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

VINCENT JOHN BAZEMORE, JR.,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:07-CR-312-1

Before JONES, CLEMENT, and PRADO, Circuit Judges.

PER CURIAM:*

Vincent John Bazemore, Jr., federal prisoner # 37160-177, moves for leave to proceed in forma pauperis (IFP) on appeal from the district court's denial of his motion for specific performance, or alternatively, to withdraw his guilty plea. The motion filed in the district court challenged Bazemore's 2009 conviction for securities fraud. As in the district court, Bazemore argues on appeal that the Government breached the proffer agreement entered into

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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during the plea negotiation process. He contends that he is entitled to specific performance of the agreement or to withdraw his guilty plea.

By moving for leave to proceed IFP on appeal, Bazemore is challenging the district court's certification that his appeal presents no nonfrivolous issue and is not taken in good faith. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997). Bazemore's motion for specific enforcement, or alternatively to withdraw his guilty plea, was unauthorized because the relief he sought was not available under any federal rule or statute providing for postconviction relief. *See United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). Therefore, his appeal is "from the denial of a meaningless, unauthorized motion." *See Early*, 27 F.3d at 142.

Bazemore's appeal is without arguable merit and is thus frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, his request for leave to proceed IFP is denied, and the appeal is dismissed as frivolous. *See Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2.

IFP DENIED; APPEAL DISMISSED.