

February 13, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 05-41802  
Conference Calendar

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TROY A. SMOCKS,

Petitioner-Appellant,

versus

UNITED STATES MARSHAL,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Texas  
USDC No. 4:05-CV-422  
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Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:\*

Troy A. Smocks, a federal prisoner, moves this court for authorization to proceed in forma pauperis (IFP) in his appeal from the district court's dismissal of his petition for habeas relief, filed under 28 U.S.C. § 2241. Smocks argues that he was denied the right to a speedy trial.

Smocks has failed to establish a nonfrivolous ground for appeal because he waived his claim that he was denied a speedy trial. See United States v. Bradfield, 113 F.3d 515, 526 (5th Cir. 1997); United States v. Bell, 966 F.2d 914, 915 (5th Cir.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1992); Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982);  
28 U.S.C. § 1915(a)(3). The motion to proceed IFP is denied.  
As the appeal contains no nonfrivolous issues, it is dismissed.  
Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983); 5TH CIR.  
R. 42.2. Smocks's motion for appointment of counsel is likewise  
denied.

MOTIONS DENIED; APPEAL DISMISSED.