

February 13, 2007

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 06-40767
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

M. ALBERTO CUELLAR-ARRELLANO,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 5:02-CR-1225

Before BARKSDALE, GARZA, and CLEMENT, Circuit Judges.

PER CURIAM:*

M. Alberto Cuellar-Arrellano (Cuellar) seeks leave to proceed in forma pauperis (IFP) on appeal. To proceed IFP on appeal, Cuellar must show that he is a pauper and that he will raise a nonfrivolous issue on appeal. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982).

Cuellar has appealed from the denial of an unauthorized, meaningless motion. See United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994). The appeal is without arguable merit and

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

is therefore dismissed as frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5TH CIR. R. 42.2. His motion for IFP status is denied.

IFP DENIED; APPEAL DISMISSED.