

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

July 19, 2021

Lyle W. Cayce  
Clerk

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No. 21-10095  
Summary Calendar

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UNITED STATES OF AMERICA,

*Plaintiff—Appellee,*

*versus*

DAVID BELVIN GILMORE,

*Defendant—Appellant.*

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:14-CR-83-1

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Before STEWART, HAYNES, and HO, *Circuit Judges.*

PER CURIAM:\*

David Belvin Gilmore, federal prisoner # 30415-177, has filed a notice of appeal and a motion for appointment of counsel. The notice of appeal did not designate the judgment or order being appealed as required by Federal Rule of Appellate Procedure 3(c)(1)(B). The district court's docket sheet

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\* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

No. 21-10095

reflects that there were no orders or judgments from which Gilmore could have appealed at the time the notice of appeal was filed.

In 2015, this court affirmed Gilmore's conviction and sentence. *See United States v. Gilmore*, 613 F. App'x 436, 436-37 (5th Cir. 2015). To the extent that Gilmore is attempting to appeal his conviction and sentence a second time, his appeal is without merit and thus frivolous. Accordingly, we DISMISS the appeal as frivolous. *See* 5TH CIR. R. 42.2. Gilmore's motion for appointment of counsel is DENIED.