

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 10, 2022

Lyle W. Cayce
Clerk

No. 21-10714
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff—Appellee,

versus

JAMES L. RUDZAVICE,

Defendant—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:07-CR-138-1

Before KING, COSTA, and HO, *Circuit Judges.*

PER CURIAM:*

James L. Rudzavice, federal prisoner # 36844-177, appeals the district court's denial of his motion to dismiss his criminal case for lack of jurisdiction under the Federal Rules of Civil Procedure. Rudzavice's motion in the district court was "an unauthorized motion which the district court was

* Pursuant to 5TH CIRCUIT RULE 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

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without jurisdiction to entertain. Thus, he has appealed from the denial of a meaningless, unauthorized motion.” *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994).

The motion to dismiss in the district court and this appeal from its denial both lack arguable merit. Accordingly, the appeal is DISMISSED AS FRIVOLOUS. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). 5TH CIR. R. 42.2. Rudzavice is WARNED that additional frivolous filings in this court or the district court will result in monetary sanctions and limits on his access to this court and any court subject to this court’s jurisdiction.