

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 92-2881  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ERIC SHACKELFORD,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA-H-90-3409 (CR-H-84-0056)  
- - - - -  
(March 24, 1994)

Before KING, DAVIS, and DeMOSS, Circuit Judges.

BY THE COURT:

Eric Shackelford argues that his methamphetamine conviction cannot stand because Rynal, an over-the-counter nasal spray containing methamphetamine, may be sold lawfully. This issue is foreclosed. United States v. Sherrod, 964 F.2d 1501, 1512 (5th Cir. 1992), cert. denied, 113 S. Ct. 832 (1992), 113 S. Ct. 1367 (1993), 113 S. Ct. 1422 (1993), cert. dismissed, 113 S. Ct. 834 (1992). As Shackelford raises no non-frivolous issue, his MOTIONS FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND FOR APPOINTMENT OF COUNSEL ARE DENIED, AND THE APPEAL IS DISMISSED. See Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982); 18 U.S.C. § 3006A(a)(2); 5th Cir. Plan Under the Criminal Justice Act § 2; 5th Cir. R. 42.2.