

June 19, 2007

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 06-10932  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARTIN A. CALDERON,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:03-CR-88-1  
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Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:\*

Martin A. Calderon, federal prisoner # 25031-051, appeals the denial of his postjudgment motion, "Replevin/Sequestration Return of Creditor's Secured Property. Release of Debtor's Surety, and Vacate Exemption." In the motion, Calderon referred to himself as "DEBTOR ROY MARTINEZ/AKA/MARTIN CALDERON" and asked the district court to vacate "the original action against DEBTOR" and to "release the DEBTOR'S surety Roy Martinez/aka/ Martin Calderon from liability." The district court denied the motion, finding that it was frivolous.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Calderon has appealed from the denial of a meaningless motion. See United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994). No matter how his postconviction motion is construed, the appeal of its denial is frivolous. See Montgomery v. United States, 933 F.2d 348, 350 (5th Cir. 1991). The appeal is therefore dismissed. See 5TH CIR. R. 42.2.

Calderon is warned that further frivolous filings will result in the imposition of sanctions.

APPEAL DISMISSED; SANCTION WARNING ISSUED.