

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31244
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARTHUR WILLIAMS, also known as Pop,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 93-CR-10012-6

June 18, 2002

Before HIGGINBOTHAM, DAVIS, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Arthur Williams, federal prisoner # 08395-035, appeals the dismissal of his postconviction motion to dismiss the indictment filed pursuant to FED. R. CRIM. P. 12(b)(2). Motions to dismiss an indictment filed pursuant to FED. R. CRIM. P. 12(b)(2) must be made before trial or they are waived. United States v. Cathey, 591 F.2d 268, 271 n.1 (5th Cir. 1979). Because the criminal proceedings were no longer pending, Williams' motion to dismiss the indictment was unauthorized and without a jurisdictional

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

basis. See United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). The judgment of the district court is AFFIRMED.