

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-40616
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RAUL TREVINO GARZA,
also known as Rahoul Garza,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. B-99-CR-255-2

February 20, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Raul Garza appeals the district court's denial of his "motion to file § 2255 motion out of time." This was a meaningless, unauthorized motion that could have been denied for lack of jurisdiction. See United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994). Garza has thus "appealed from the denial of a meaningless, unauthorized motion." Id. at 142. This appeal is without arguable merit and thus frivolous. Howard v. King,

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, it is
DISMISSED. See 5TH CIR. R. 42.2.