

April 21, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60904
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

STEVEN GOINS,

Defendant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 4:95-CR-100-2

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:*

Steven Goins, federal prisoner # 06314-112, is currently serving a 360-month sentence on a guilty-plea conviction for one count of conspiracy with intent to possess and distribute cocaine base. He appeals from the district court's denial of his "writ of error" as an unauthorized successive 28 U.S.C. § 2255 motion. See 28 U.S.C. § 2244. Goins does not challenge the propriety of the district court's denial. Rather, he argues the merits of his "writ of error," specifically, that the district court lacked

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

jurisdiction due to a defective indictment. Because Goins has failed to address the basis of the district court's denial, he has waived the only appealable issue. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987).

Goins's appeal is without arguable merit and is therefore frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, Goins's appeal is dismissed as frivolous. See 5TH CIR. R. 42.2. Goins is WARNED that the filing of future frivolous appeals may result in sanctions.

APPEAL DISMISSED AS FRIVOLOUS; SANCTIONS WARNING ISSUED.