

**FILED**

December 14, 2005

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-10864  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARCUS LELAND FREEMAN, also known as Big Mark,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:96-CR-68-8-A  
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Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:\*

Marcus Leland Freeman, federal prisoner # 29129-077, appeals from the district court's denial of his motion for relief from his conviction and sentence, purportedly pursuant to FED. R. CRIM. P. 52(b). Freeman's appeal is "from the denial of a meaningless, unauthorized motion." See United States v. Early, 27 F.3d 140, 142 (5th Cir. 1994). Freeman's appeal is frivolous and is dismissed. See 5TH CIR. R. 42.2. Freeman, who is represented by counsel, is hereby warned that any further

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

repetitious or frivolous attempts to circumvent statutory restrictions on filing second or successive 28 U.S.C. § 2255 motions to vacate, whether pursued by him pro se or with the assistance of any other person (including any attorney) acting on his behalf, may result in the imposition of sanctions against him. These sanctions may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction.

APPEAL DISMISSED; SANCTION WARNING ISSUED.