

FILED

February 28, 2005

Charles R. Fulbruge III
Clerk

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 04-40127
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-

Appellee,

versus

LIONEL MOORE, also known as Doc,

Defendant-

Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 3:99-CR-10-12

Before WIENER, BENAVIDES and STEWART, Circuit Judges.

PER CURIAM:*

Lionel Moore entered a guilty plea in 1999 to charges of conspiracy to possess with intent to distribute cocaine and cocaine base and possession with intent to distribute cocaine base. He was sentenced to concurrent terms of 135 months of imprisonment and concurrent terms of five years of supervised release. We affirmed Moore's convictions and sentences in all aspects except the five-year

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

terms of supervised release. United States v. Moore, No. 00-40602 at 1, 4 (5th Cir. Nov. 27, 2001). On remand, in accordance with this court's mandate, the district court sentenced Moore to concurrent terms of three years of supervised release.

Moore challenges the district court's denial of his motion to withdraw his guilty plea. Review of this issue is precluded under the law of the case doctrine, and we will not reexamine it. United States v. Lee, 358 F.3d 315, 320 (5th Cir. 2004). Insofar as Moore seeks to appeal separately the district court's denial of his post judgment motion to withdraw his guilty plea, the motion lacked a jurisdictional basis. See FED. R. CRIM. P. 11(e); FED. R. CRIM. P. 32(e) (2002). Moore's appeal is without arguable merit and is frivolous. Accordingly, the appeal is DISMISSED. 5TH CIR. R. 42.2.

APPEAL DISMISSED AS FRIVOLOUS; ALL OUTSTANDING MOTIONS DENIED.