

November 8, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 04-40484  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KELLY ARKADIE,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 2:02-CR-46-2  
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Before JOLLY, HIGGINBOTHAM, and WIENER, Circuit Judges.

PER CURIAM:\*

Kelly Arkadie, federal prisoner # 43494-080, appeals the district court's June 30, 2003, denial of various postjudgment motions in his criminal case and the imposition of sanctions. The Government has moved to dismiss the appeal. Because Arkadie has not identified any errors in the district court's June 30 ruling, it is as if had not appealed. See Brinkmann v. Dallas County Deputy Sheriff Abner, 813 F.2d 744, 748 (5th Cir. 1987). The Government's motion is GRANTED.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The Government's alternative motion for an extension of time to file its appellate brief is DENIED AS UNNECESSARY.

Arkadie has moved for the disqualification of district court judge Janis Jack for bias. This motion is DENIED. See Delesdernier v. Porterie, 666 F.2d 116, 121-22 (5th Cir. 1982).

Arkadie's motion for appointment of counsel on appeal is DENIED. See Ulmer v. Chancellor, 691 F.2d 209, 212 (5th Cir. 1982).

MOTION TO DISMISS GRANTED; APPEAL DISMISSED.

MOTION FOR EXTENSION OF TIME DENIED AS UNNECESSARY.

MOTIONS FOR DISQUALIFICATION AND APPOINTMENT OF COUNSEL DENIED.