

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 94-10219  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

NORMAN C. LOGGINS,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 3:91-CV-1217-D(3:88-CR-083-D)

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(September 22, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:\*

IT IS ORDERED that Norman C. Loggins' motion to proceed in forma pauperis on appeal is DENIED. Loggins has not demonstrated cause and prejudice for failing to raise new arguments in his prior motion under 28 U.S.C. § 2255. See McCleskey v. Zant, 499 U.S. 467, 111 S. Ct. 1454, 1470 (1991). Nor has he shown that a fundamental miscarriage of justice would result if the new claims or previously raised claims are not heard. Id.; Duff-Smith v.

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\* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Collins, 995 F.2d 545, 546 (5th Cir. 1993). Thus, the district court did not abuse its discretion in dismissing his second § 2255 motion as successive.

Loggins can present no legal points arguable on their merits, and his appeal is frivolous. See Howard, 707 F.2d at 220. Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2.