

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20872  
USDC No. H-95-CV-4012  
(H-90-CR-25-1)

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

FRANK EUGENE MURRY,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
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February 2, 1996

Before JOLLY, JONES and STEWART, Circuit Judges.

PER CURIAM:\*

This case is here on a motion to proceed in forma pauperis (IFP) on appeal. Murry filed this motion under 28 U.S.C. § 2255 seeking to set aside his conviction for being a felon in possession of a firearm, arguing that 18 U.S.C. § 922(g)(1) is unconstitutional because Congress exceeded its authority under the Commerce Clause. We have reviewed the record and the district court's opinion and find no issue of arguable merit.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Accordingly, we deny IFP and dismiss the appeal as frivolous. 28

U.S.C. § 1915(a); Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

We caution Murry that any additional frivolous appeals filed by him will invite the imposition of sanctions. To avoid sanctions, Murry is further cautioned to review any pending appeals to ensure that they do not raise arguments that are frivolous because they have been previously decided by this court.

IFP DENIED, APPEAL DISMISSED AS FRIVOLOUS.