

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20923  
USDC No. CR-H-90-291

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

HAROLD TEEL TARTER,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
- - - - -

July 12, 1996

Before HIGGINBOTHAM, SMITH and STEWART, Circuit Judges.

PER CURIAM:\*

Harold Teel Tarter, federal prison # 54942-079 and Texas prison # 283347, seeks to proceed in forma pauperis in his appeal from the district court's order dismissing with prejudice his 28 U.S.C. § 2255 motion. Tarter has identified no error in the dismissal. United States v. Tarter, No. CA-H-95-838 (S.D. Tex.; Sept. 14, 1995).

Accordingly, the appeal fails to present a nonfrivolous issue, and the motion to proceed in forma pauperis on appeal is DENIED. See Jackson v. Dallas Police Dep't, 811 F.2d 260, 261

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Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

(5th Cir. 1986). The appeal is frivolous, and it is DISMISSED.

See 5th Cir. R. 42.2. The motions for appointment of counsel and to expedite the appeal are also DENIED.

APPEAL DISMISSED.