

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-50128  
Conference Calendar

---

DAMON H. DOWNS,

Petitioner-Appellant.

- - - - -  
Appeal from the United States District Court  
for the Western District of Texas  
USDC No. W-94-CV-386  
- - - - -  
June 27, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Damon H. Downs's application for a certificate of probable cause (CPC) is denied because a CPC is not necessary for a challenge to the execution of a federal sentence. See Fed. R. App. P. 22(b). Downs's motion for leave to proceed on appeal in forma pauperis (IFP) is denied because he has not indicated how the federal government has any involvement in his continuation in state custody. United States v. Garcia-Gutierrez, 835 F.2d 585, 587 (5th Cir. 1988); Scott v. United States, 434 F.2d 11, 21 (5th

---

\* 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 Pursuant to that Rule, the court has determined that this opinion should not be published.

Cir. 1970); see Carson v. Polley, 689 F.2d 562, 586 (5th Cir. 1982). Downs's appeal is frivolous and is dismissed as such. See Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983); 5th Cir. R. 42.2.

CPC DENIED, IFP DENIED, APPEAL DISMISSED.