

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 95-50523  
USDC No. EP-95-CV-9

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ELIAS HERRERA-TERRAZAS, JR.,

Defendant-Appellant.

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

April 30, 1996

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:\*

Elias Herrera-Terrazas, Jr., requests leave to appeal in forma pauperis (IFP) the district court's denial of his 28 U.S.C. § 2255 motion. Because Herrera-Terraza's appeal fails to present a nonfrivolous issue, his motion for IFP is DENIED. See Jackson v. Dallas Police Dep't, 811 F.2d 260, 261 (5th Cir. 1986). The appeal is DISMISSED. 5th Cir. R. 42.2. Herrera-Terraza's motion

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

No.

-2-

for appointment of appellate counsel is DENIED as unnecessary.

See 5th Cir. Plan Under the Criminal Justice Act, § 2.