

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-30056
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BILLY D. MCLEOD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 94-CR-74 A M2
- - - - -

June 19, 1996

Before GARWOOD, WIENER and PARKER, Circuit Judges.

PER CURIAM:*

Billy D. McLeod, # 02571-095, moves for permission to appeal in forma pauperis (IFP) the denial of his motion pursuant to 28 U.S.C. § 2255. McLeod argues that his guilty plea was involuntary due to ineffective assistance of counsel based on erroneous advice regarding his sentencing guidelines range, erroneous advice that he could not withdraw his guilty plea, and

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

failure to advise that his arrest and the search of his home were illegal. He also argues that the Government breached its plea agreement. He also argues that counsel was ineffective for advising him not to file a direct appeal. He further argues that his arrest and the search of his home were illegal.

We have reviewed the record, the district court's opinion, and appellant's brief and discern no reversible error. See United States v. McLeod, No. 94-74-A (M.D. La. Sept. 1, 1995). Further, we hold that McLeod's appeal is frivolous, and accordingly, we DENY IFP and DISMISS the appeal as frivolous. See Howard v. King, 707 F.2d 212, 220 (5th Cir. 1983); 5th Cir. R. 42.2.

IFP DENIED, APPEAL DISMISSED.