

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-40724
Summary Calendar

JIMMY RAY HILL,

Petitioner-Appellant,

versus

W.F. WOODS, Warden,

Respondent-Appellee.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-95-CV-357
- - - - -

January 22, 1997

Before DAVIS, EMILIO M. GARZA and STEWART, Circuit Judges.

PER CURIAM:*

Jimmy Ray Hill, federal prisoner #55103-079, appeals from the district court's dismissal of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. He has filed a motion with this court to proceed in forma pauperis (IFP) on appeal. Hill argues that the district court erred by allowing the United States to act as respondent in his § 2241 proceeding, that the district court erred by raising issues sua sponte, and that the

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

district court erred by failing to determine the "jurisdictional issues" raised by Hill. We have reviewed the record and conclude that Hill has not demonstrated that he will present a nonfrivolous issue on appeal. Accordingly, Hill's motion to proceed IFP on appeal is DENIED and the appeal is DISMISSED. See 5th Cir. R. 42.2.